



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

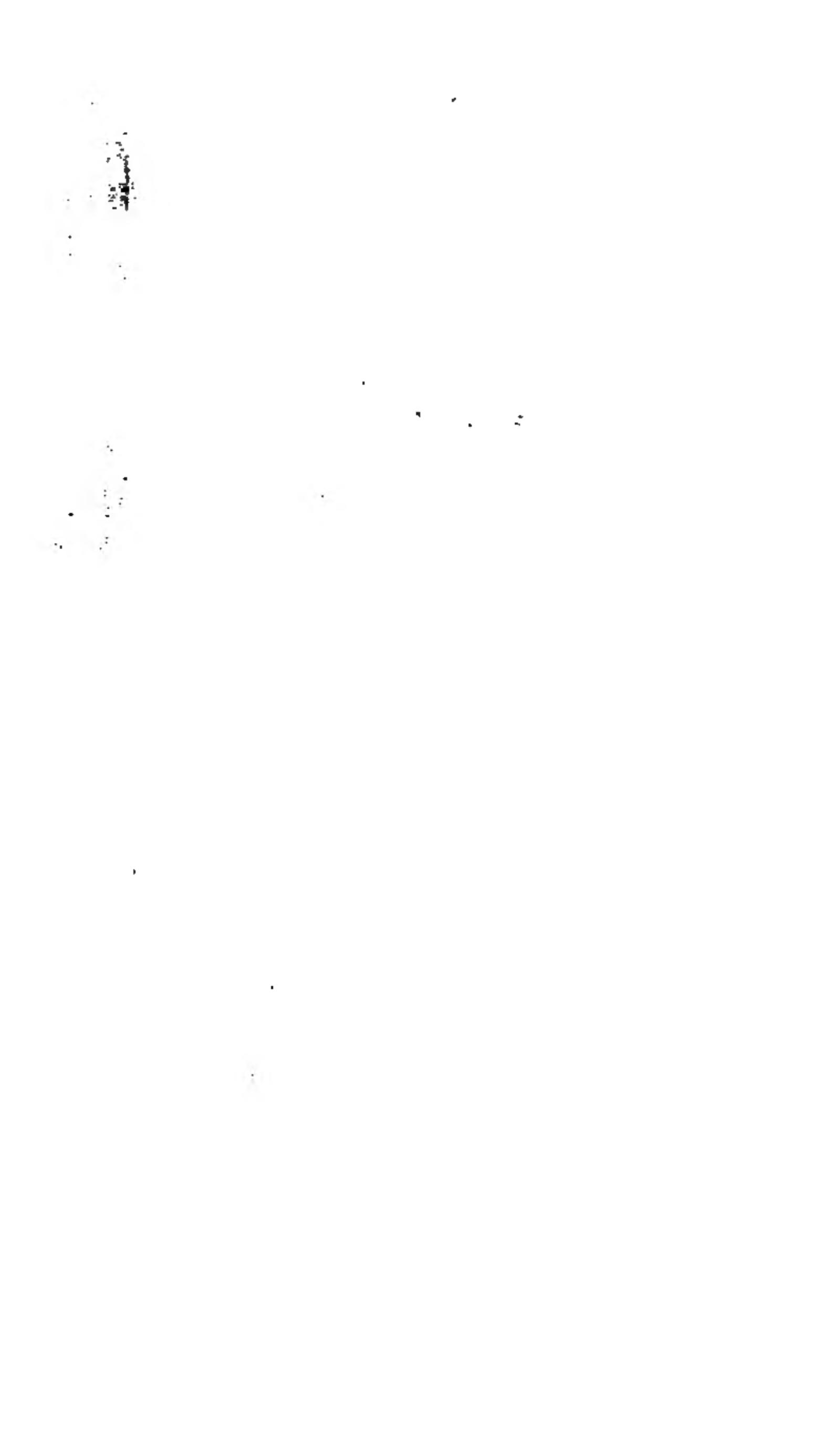
Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>





.....
d
e
x
.....
1121

ADVERTISEMENT.

to his Subscribers; and he repeats here, that he stept, as it were, insensibly into this way of proceeding: all he intended, at first, was a Dedication, which he thought, in conformity with the greater part of the Privileges, would appear better in the Latin language than in the English, and that some things could be better said in that tongue, than in our own. But he has little reason to make pretensions, or to invite criticism. Since he left school and college, he has had few occasions of attempting Latin composition till of late years; and he is aware, that such as are critically acquainted with the niceties and elegancies of the Roman language, will find, in such a lengthened production, ample space for their animadversions.

As to the length of this Dissertation--the truth is, that the writer ventured to speak on a few points, which some might think he had better not have touched upon at all. This, too, he felt himself, so far as prudence was concerned: but having gone a certain length, he found it necessary to proceed; for there are certain cases, in which nothing is said or done without amplification. Declarations or propositions, and more particularly on delicate, disputed points, may, without a proper statement of facts, and a due mixture of arguments, appear like baseless assertions, or impudent dogmas. When the mind, too, breaks loose in quest of ideas, which (though familiar to it once) it may have lost, you cannot answer for its return: it is apt to lose all sense of distance; and writers, unfatigued by their own discursions, are

ADVERTISEMENT.

execution; of which a further account may be seen in the writer's Address to his Subscribers.

In the History of the University-Press, in the second volume, a few blank pages having been left standing a considerable time, the writer was obliged, as he drew towards the close of them, to measure every word, that his copy might not exceed the press-work to be formed; and, perhaps, the last paragraphs have expressed, though not incorrectly, yet not quite fully, what he meant to say.

Of the expenses attending the printing of certain works there mentioned, he spake generally, from the conversations of gentlemen, who, by their offices, could not but be well acquainted with particulars: he was not very attentive to the conversations; (one was in a mixed company) and the writer not being much interested, and not counting on any occasion for mentioning them, let the subjects pass, without charging his memory with particulars. But the main points he believes will be found quite correct.

In what he states of Mr. Wakefield's *Silva Critica*, he did not mean to say, that no part of it was printed at the expense of the University: he followed that gentleman himself; from whose Prefaces, Advertisements, and Dedications, to the different numbers of that work, may be collected—that three of them were printed at the expense of the University, to whom, therefore, as his alma mater, he is not wanting in expressions of respect, even to admiration—that he engaged not to treat on those doctrinal matters, in which he might differ



CONTENTS.

PAGE

An Abstract of the Award between the University and Town	97—102
Lady Margaret's Lecture	103
Lady Margaret's Preacher.....	104
Sir Robert Read's Endowment	104
' Complaint of the Town against the University	105
Memorandum annexed to the University's Answer	106
Literæ Hen. 8 th . de Stationariis	107
Extract from a Paper, called, Decretum Saccarii	109
A Letter from the Privy Council, relating to the Sheriffs and Mayor, and Proctors, acknowledging Offences against the Proctors at Sturbridge Fair	111
Order and Decree relating to James Fletcher, Mayor of the Town of Cambridge	112
Queen Elizabeth's Charter, A.R. 3 rd io.....	113—131
Queen Elizabeth's Charter, A.R. 31.	133—135
James the First's Charters de Burgensibus, et Universitate	135—137
Vice-Chancellor's Precedency	138
Various Orders of Privy Council	142—148
Charters and Concessions to the Town of Cambridge	149—152
Extracts from the Black Book in the Vice-Chancellor's Custody	153—156
Queen Elizabeth's Statutes	157—210
Decrees of the Senate, or Graces	213—272
Interpretations of Statutes	277—299
Decrees of the Heads	303—342
Royal Letters	343—375
Two English Dissertations, on several matters contained in the above articles	377—558
English Manuscripts in the Public Library	559—581
Oriental Manuscripts in the Public Library	581—587
Buchanan Eastern Manuscripts.....	587—594
Æthiopic Manuscripts—Inscriptions on Copper and Imperial Persian Letter	594—597



An. 1587. Robertus Hare Armiger *Magnum Registrum novum* de omnibus Chartis et Monumentis Libertatum et Privilegiorum Universitatis ac Burgi condidit et collegit.

“This *Magnum Registrum novum* is, I suppose, in the chest; and from this both the Vice Chancellor’s and Register’s copy of Hare were taken by Hare himself, An. 1589.”

See Titles to the Vice Chancellor’s copy of Hare, vols. 1 and 2.

INDEX PRIMI VOLUMINIS.

dice Universitatis, but it seems no better than an idle Fiction; though the preceding Charters, N^o. 1. 3. 5. are copy'd from it." 3.

7. Certificatorium de Mansuris et Custodii in Burgo Cantebrigiae Tempore Regis Willhelmi Conquestoris. 10.

HENRICUS TERTIUS.

A.D. AN. REG.

Confirm. Inf.
9. 19.

26°. 7. Literæ Regis quodd Vicecomes imprisonet Clericos Malesfactores ad Mandatum Cancellarii in Defectu Burgensium, et eosdem ad Petitionem Cancellarii, et non antea, liberari faciat. 15.

33°. 8. Literæ regis quodd Vicecomes abstineat se a Captione Scholarium prioribus Regis Literis non obstantibus. 15.

39°. 9. Literæ regis Vicecomiti transmissæ de Libertatibus Academiæ conservandis. 15.

45°. 10. Commissio Regis ad audiendum et terminandum de Perturbatoribus Pacis in Dānum Scholarium Universitatis. 16.

45°. 11. Mandatum Regis Vicecomiti Cantebrigiae eodem Die et de eadem Re transmissum. 16.

45°. 12. Breve Regis ad Discordias tollendas inter Universitatem et Populum Burgi Cantebrig. 16.

45°. 13. Licensia Regis Magistris et Scholaribus Academiæ Cantebrigiensis concessa, ut Northamptoniam adeant, et ibideiu ad scholasticam Disciplinam excercendam commorentur. 16.

45°. 14. Literæ Regis quodd Major et Ballivi Villæ Northamptoniensis recipient in Municipium suum dictos Magistros et Scholares. 17.

45°. 15. Commissio Regis ad inquirendum et puniendum transgressores in Villâ Cantebrigiae tam Clericos quam Laicos. 17.

45°. 16. Ne Justiciarii Regis intromittant se in Transgressionibus audiendis et terminandis inter Scholarès et Laicos. 18.

45°. 17. Perdonatio Regis concessa quibusdam Pacis Perturbatoribus de Burgo Cantebrigiae de quibus supra. Pag. 4. №. 10. 18.

EDWARDUS PRIMUS.

A. D. A N. R E G.

54°.	29. Scriptum aliud de eadem Re. Vid. inf.	24.
	8. 7.	24.
	30. Historiola de Adventu Hen. 5 th . ad Vil-	
	lam Cantebrig. et de quibusdam Propugnaculis	
	ibidem a se positis.	24.

EDWARDUS PRIMUS.

1273.

1. COMPOSITIO inter Cancellarium
et Rectorem Ecclesiae Sancti Benedicti super
Pulsatione Campanae. 28.

Vid. Stat. An- 1275.
tiq. 57.

Hic habetur
aliquid de Orig.
Nuñd. Herbr.

1275. 3°.

2. Compositio inter Cancellarium et Ma-
gistros Universitatis, quod Procuratores possint
convocare in Defectu Cancellarii. 28.

3. Certificatorium Burgensium Villæ Cante-
brigiæ de quibusdam Articulis tam Universita-
tem quam Villam tangentibus. 28.

4. Scriptum Domini Hugonis Eliensis Epis-
copi ad Cancellarium et Universitatem, in quo
declarat, quod per Literas, secundum Negotio-
rum Diversitatem, non intendit derogare Privi-
legiis Universitatis, nec Cancellarii Jurisdic-
tionem perturbare, quin ad eum in primâ In-
stantiâ appelletur. 32.

5. Aliud Scriptum ejusdem Hugonis Limi-
tans Jurisdictionem tum Archidiaconi Eliensis,
tum Magistri Glomeriae, et Cancellarii Univer-
satis. 33.

Hoc consule de 1276.
Magist. Glomr.

EDWARDUS PRIMUS.

A. D. A. N. R. E. G.

tebrigiâ per Rogerum de Rydlingfeld Capellanum, Cancellario et Universitati concedendis in Manum Mortuam. 42.

22°. 16. Literæ Patentes de associando Magistrum Galfridum de Pakenham pro Compoto Pavimenti audiendo. 43.

22°. 17. Sententia Hugonis Episcopi Eliensis super Concordiâ factâ inter Cancellarium Universitatis [Hen. de Boyton] et sibi adhærentes ex unâ Parte, et alios magistros in Theologiâ cæterisq. Facultatibus ibidem Regentes et sibi adhærentes ex alterâ. 44.

18. Forma Juramenti, obtentâ Confirmatione Episcopi, a Cancellario Universitatis præstandi. 45.

**Confirm. inf.
12. 3.**

22°. 19. Confirmatio Literarum Hen. 3ⁱⁱ. de Clericis ad Mandatum Cancellarii incarcerandis. Vid. Sup. 4. 7. 45.

27°. 20. Placitum super Querelâ Thomæ de Sutton Scholaris contra Magistrum Stephanum de Heppeworth Cancellarium Universitatis et alios de falso Imprisonamento. 45.

27°. 21. Placitum coram Justiciariis Domini Regis inter Rogerum de Thornton et Universitatem de quibusdam Tenementis in Cantebriâ ad Universitatem spectantibus. 47.

22. De quadam Consuetudine pro Domibus et Scholis in Universitate locandis. 47.

28°. 23. Literæ Patentes de Compoto Pavimenti reddendo coram Cancellario. 47.

31°. 24. Aliæ Lit. Patentes super eadem Re. 48.

33°. 25. Commissio Regis ad inquirendum et certificandum de perturbatoribus Scholarium. 48.

33°. 26. Petitione Universitatis in Parliamento facta, ut Cancellarius habeat Cognitionem Placi-

**Certain Tolls
were granted
the Town for
paving their
Streets, and
these two Let-
ters, and 11 and
16 above, are
Commissions to
audit the Ac-
counts of the
Toll-gatherers
and Managers
of the Paving.**

EDWARDUS SECUNDUS.

A.D. AN. REG.

Recitat. et Confirm. An. 10^o. hujus Edv.	1309. 2^o. I. CHARTA recitans et confirmans Char- tam Edvard 1^{mi}. Supra 8. 12. 60.
Confirm. inf. An. 1^o. Edv. 3^{ti}.	2^o. 2. Literæ Patentes, confirmantes Literas Hen. 3^{ui}. Sup. 6. 25. de Torneamentis propè Villam Cantebrig. non celebrandis. 63.
Confirm. inf. An. 1^o. Edv. 3^{ti}.	2^o. 3. Confirmatio Literarum Edv. 1^{mi}. de Cle- ricis ad Mandatum Cancellarii incacerandis. Vid. Sup. 9. 19. 63.
Confirm. inf. An. 1^o. Edv. 3^{ti}.	2^o. 4. Confirmatio Literarum Edv. 1^{mi}. sup. 9. 14. de Victualibus Regratiorum forisfactis. 64.
Recitat. et Confirm. Char- ta inf. 15. 8.	1309. 5. Literæ Archiepiscopi Cantuariensis, ne Magistri in aliquâ Facultate legentes desistant a Lectionibus suis Colore Visitationis suæ. 64.
	7^o. 6. Literæ Regis quodd Scholares liberi sint a Tallagio pro Terris et Tenementis suis in Can- tebrigiâ, uti olim consueverunt. 65.
	7^o. 7. Literæ Patentes, quodd Scholares possint convenire Laicos coram Cancellario. Eadem que Sup. 10. 27. 65.
	8^o. 8. Literæ Patentes de Protectione Cancel- larii Magistrorum et Scholarium. 66.
	10^o. 9. Charta omnium amplissima utpote reci- tans et confirmans Chartam Edv. 2^{di}. Sup. 1. cum Additione novorum Privilegiorum. 66.
	10^o. 10. Literæ Patentes quodd Causæ Clerico- rum ex Contractibus Rerum mobilium in Mu-

EDWARDUS TERTIUS.

AD. AN. REG.

17°. 19. Literæ Patentes ad inquirendum et certificandum super Privilegiis Universitati per Dominum Regem concessis, quæ a Majore et Burgensibus indebitè observantur. 87.

20. Declaratio Johan. Papæ 22, utrum Christus vel Apostoli sui aliquid habuerunt in proprio vel communi. 89.

21. Bulla ejusdem Johannis ad Universitatem transmissa de quibusdam Constitutionibus in Scholis suis legendis, sicut ceteræ Decretales. 90.

19°. 22. Literæ Regis notificantes Universitati summam Negotiorum inter seipsum et Regem Franciæ. 90.

20°. 23. Literæ Regis ad Universitatem transmissæ de Negotiis suis cum Rege Franciæ. “Complaining of ill usage from the King of France in detaining his Wife and Son; and requiring the University to vindicate publicly his Conduct; and sing Mass for his Success.” 91.

EDWARDUS TERTIUS.

1326. 1°. 1. CHARTA de Confirmatione Privilegiorum antiquorum. In hâc recitatur et confirmatur Charta An. 10°. Edv. 2^{di}. 96.

1°. 2. Confirmatio Literarum Patentium Edv. 2^{di}. Sup. 12. 3. de Clericis ad Mandatum Cancellarii incarcerandis. 101.

A. D. A. N. R. E. G.

1º.	3. Literæ Patentes de Mulieribus publicis a Villâ Cantebrigia ejiciendis. Eædem quæ Sup. 13. 12. et inf. 9.	101.
1º.	4. Confirmatio Literarum Edv. 2 ^{di} . Sup. 12. 4. de Virtualibus Regatariorum forisfactis.	102.
1º.	5. Literæ Patentes de Protectione Cancel- larii Magistrorum et Scholarium. Eædem ferè quæ Sup. 12. 8.	102.
1º.	6. Literæ Patentes, durante Beneplacito du- raturæ, quòd Scholarès possint convenire Laicos coram Cancellario. Eædem quæ Sup. 12. 7.	103.
1º.	7. Licentia perquiriendi Terras ad Valorem Annum £20 concessa Aulæ de Clare ad Peti- tionem Cancellarii et Magistrorum Universi- tatis.	103.
1327.	8. Charta omnium amplissima utpote reci- tans et confirmans Chartam Edv. 2 ^{di} . Sup. 12. 9. cum Additione novorum Privilegiorum.	103. Recitat. et con- firm. Charta an. 2 ^{do} . Rich. 2 ^{di} .
1º.	9. Literæ Patentes eædem quæ Sup. 3.	109. Recitat. et con- firm. Charta an.
5º.	10. Petitiones Cancellarii et Magistrorum in Parliamento de Pretio vini Constituendo, de Pavimento reparando, ac de Fimis et Sordi- bus mundandis. “The last only granted, the other two deferred.” Vid. inf. 17.	109. 2 ^{do} . Rich. 2 ^{di} .
8º.	11. Literæ Regis ne quis Actus Scholasticos exerceat apud Stamforde, nec alibi præter- quam in Universitatibus modo approbatis. “Occasioned by a great Number of Scholars re- moving from Oxford, and fixing at Stamforde, on Account of a Quarrel.”	110.
8º.	12. Aliæ Literæ super eædem Re.	111.
9º.	13. Aliæ Literæ super eædem Re.	112.
9º.	14. Literæ de Protectione Cancellarii, Ma-	

EDWARDUS TERTIUS.

A. D. A. N. REG.

gistrorum, et Scholarium : eadem quæ Sup.

15. 5. 113.

9º. 15. Literæ Regis, quod Abbas Westmonasteriensis se absentare poterit a Domo suā per Septennium studendi Causā in Universitatibus quibuscunq. tam cismarinis quam transmarinis. 113.

9º. 16. Commissio Regis ad audiendum et terminandum de querela inter Henricum de Harweton Cancellarium Universitatis et Wm. de Wyvelingham Scholarem ibidem de falso Imprisonamento. 113.

10º. 17. Literæ Regis quod Major et Ballivi facient, ut unusquisq. coram Tenementis suis reparet Pavimentum ad Commodum Universitatis. Vid. Sup. 16. 10. 114.

10º. 18. Literæ Patentes, quod Major et Ballivi facient Tentationem sive Assiam panis et Cervisiae ad Requisitionem Cancellarii. 114.

10º. 19. Literæ Patentes, quod Major Ballivi, Aldermanni, et Burgenses præstabunt Juramenta sua coram Cancellario, vel ejus Locum tenenti. 115.

10º. 20. Literæ Regis ne incarcerati ad Mandatum Cancellarii liberentur per Brevia Regis in Præjudicium Libertatum Universitatis. 116.

10º. 21. Breve Regis de liberando Henricum de Harweton Cancellarium Universitatis et alios à Prisona post Securitatem suam in Cancellariâ datam. 116.

10º. 22. Breve Regis de Corporibus dicti Henrici et aliorum capiendis post fugam suam a Custodia Manucaptorum suorum. 117.

10º. 23. Breve Regis de Corporibus ejusdem

Recitat. et con-
firm. Charta an.
2d. Rich. 2d.

Recitat. et con-
firm. Charta an.
2d. Rich. 2d.

EDWARDUS TERTIUS.

A. D. A. N. REG.

sum de Lite componendâ inter Burgenses et
Scholares. 130.

11°. 35. Petitiones coram Rege et Consilio suo
exhibitæ a Burgensibus Cantebrigiæ contra
nonnulla Universitatis Privilegia, contra Jus,
Fasq. et contra Chartas Burgensium, concessa
et confirmata; una cum Placitis super iisdem.
Annexed to the preceding Mandate, and the
Occasion of it. 131.

11°. 36. Breve Justiciariis Regis pro Justitiâ
fiendâ inter Universitatem et Burgenses. 134.

37. Indultum Simonis de Monte acuto Eli-
ensis Episcopi pro amputandis appellationibus
et Querelis frivolis à Sententia Cancellarii:
cum Inhibitione pro Defensione Juris Eccle-
siæ suæ. A. D. 1341. 136.

17°. 38. Literæ Patentes, quod Cancellarius ha-
beat Cognitionem in omnibus Contractibus
Rerum mobilium non obstante Prohibitione.
et quod idem Cancellarius non molestetur in
posterum de falso Imprisonamento. 138.

18°. 39. Exemplificatio Literarum sup. 16. 20.
de salvâ Custodiâ incarcatorum ad Manda-
tum Cancellarii. 139.

40. Confirmatio Thomæ Eliensis Episcopi
de Indulto Simonis Prædecessoris sui. Sup.
37. A. D. 1347. 140.

21°. 41. Commissio Regis ad inquirendum de
Terris et Tenementis Religiosorum et aliorum
Ecclesiasticorum in Villâ Cantebrigiæ ab An.
20° Edv. 1^{mi}. acquisitis. 142.

42. Indentura inter Universitatem et Pres-
byterum quendam, ut idem ad Terminum
Vitæ suæ pro Animâ Magistri Nigelli de
Thornton celebretur. A. D. 1347. 143.

Recitat. et con-
firm. Charta an.
2^{do}. Rich. 2^{da}.

Recitat. et con-
firm. Charta an.
2^{do}. Rich. 2^{da}.

EDWARDUS TERTIUS.

19

A. D. A. N. REG.

25°. 43. **Indentura Universitatis de quodam Messuagio in Cantebrigiâ concessa in perpetuum Aulæ de Pembroke, ut habeatur Memoria pro animâ Rogeri de Heydon.** 144.

26°. 44. **Literæ Patentes, quod Cancellarius habeat Cognitionem quorumcunq. Placitorum de Transgressionibus (Feloniam et Mahemium non tangentibus) ubi altera Pars est Scholaris. statim revocatæ.** 145.

27°. 45. **Literæ Regis, quod Justiciarii Allocationem facient Universitati de Libertatibus suis in Cognitione Placitorum ubi altera Pars est Scholaris. et quod de Processibus modo inchoatis interim supersedeatur.** 147.

28°. 46. **Literæ Regis, ne Stationarii indictentur coram Justiciariis suis. sed quod Punitio eorum pertinere debet ad Cancellarium.** 147.

33°. 47. **Literæ Patentes de Burgensibus coram Cancellario conveniendis. eadem quæ Sup. 15. 6.** 148.

36°. 48. **Literæ Patentes, ne Scholares in Causis aliquibus Privilegia sua tangentibus extra Universitatem in Curiam Christianitatis evocentur. Prohibiting all Appeals to any Ecclesiastical Court whatever, in Causes cognizable by the Chancellor.** 149.

38°. 49. **Literæ Patentes ne Revocatio Literarum Sup. 19. 44. cedat in Prejudicium Libertatum Universitatis.** 150.

40°. 50. **Compositio inter Utramq. Academiam ex unâ Parte, et Fratres quatuor Ordinum Mendicantium in eisdem Academiis commorantium ex alterâ, Authoritate regia in Parlemento suo confirmata. In this a statute, that no Scholar under 18 years of age be admitted**

EDWARDUS TERTIUS.

A. D. AN. REG.

into any Order of Mendicants, is repealed. 151.

51. Tenor Obligationis cujusdam Piscatoris per Cancellarium incarcerati. A. D. 1367. 154.

44°. 52. Mandatum Regis pro Victualibus ad Villam Cantebrigiæ asportandis in Usum et Commodum Scholarium, non obstante priore Regis Mandato. 154.

45°. 53. Breve de Certiorari super quibusdam Indictamentis Scholarium et aliorum; cum Inquisitione virtute ejusdem Brevis captâ. 155.

47°. 54. Literæ Patentæ, ne Mandatum Regis in Causâ Discordiæ inter Scholares Aulæ suæ, et Scholares Aulæ de Clare quovis modo tendat in Prejudicium Libertatum Universitatis, nec in Consequentia trahatur. 156.

55. Decretum Universitatis Cantebrigiæ super Titulo, et Institutione Ordinis Fratrum Beatæ Mariæ de Monte Carmeli. A.D. 1374. 156.

56. Instrumentum publicum de Testimonio et Declaratione Cancellarii Universitatis Cantebrigiæ super Agnitione Tituli et Institutionis Regulæ Fratrum Carmelitarum. 1374. 157.

57. Querelæ articulatæ Cancellarii et Universitatis, ad Regem in Parliamento suo porrectæ contra Majorem et Burgenses, cum Petitionibus ejusdem Universitatis pro Libertatibus et Privilegiis suis ampliandis: Quibus nullum datur Responsum. 158.

RICHARDUS SECUNDUS.

A.D. AN. REG.

2º. 7. Petitione Cancellarii Magistrorum, et Scholarium, ut Victualia Registariorum forisfacta assignentur Hospitali Sancti Johannis. Quæ conceditur. 185.

2º. 8. Literæ Patentes, quod Victualia Registariorum et Forstallatorum forisfacta assignentur Hospitali S^t. Johannis ad Sustentationem pauperum Scholarium. 185.

2º. 9. Petitione Cancellarii et Scholarium ut habeant Potestatem puniendi transgressores qui Victualia indebet vendunt. *Quæ conceditur in Parliamento. 186.

2º. 10. Literæ Patentes, quod Cancellarius habeat Correctionem Victualium usq. in proximum Parliamentum, si Major fuerit remissus. 187.

3º. 11. Commissio de Pace conservandâ in Comitatu Cantebrigiæ salvis Libertatibus Universitatis. 188.

3º. 12. Commissio de Pace conservanda in Villâ et Suburiis Cantebrigiæ salvis Academiae Privilegiis. 190.

4º. 13. Commissio de Pace conservandâ in Villâ Cantebrigiæ et de Maleficiis inquirendis Magistros et Scholares tantummodo concer- nentibus. 191.

4º. 14. Literæ Patentes, quod post Expiratio- nem quinq. Annorum Cancellarius habeat Po- testatem corrigendi Victualia ad Septennium. Vid. Sup. 23. 6. 193.

4º. 15. Breve de supersedendo in Negotiis Ma- gistrosum et Scholarium. To recall the Com- mission, N^o. 13. 194.

5º. 16. Processus in Parliamento contra Majo- rem et Burgenses, Occasione Tumultûs cu-

* This Grant
conditional, and
for a Time only.

A.D. AN. REG.

5°. 22. Commissio ad inquirendum de Transgressionibus contra Thomam Haselden suppeditum Universitatis a Majore et Burgensibus perpetratis. 214.

5°. 23. Literæ Regis ne Cancellarius et Socii sui ulterius procedant in Executione Commissons suæ de Feloniis et Transgressionibus audiendis et terminandis. 215.

6°. 24. Mandatum Regis Thesaurariis et Baronibus Saccarii transmissum de Reditu annuali decem Librarum pro Firmâ Assisæ Panis, Vini, et Cervisiæ ad certum Diem inchoando. 216.

6°. 25. Certificatio officialis Archidiaconi Eliensis super Denuntiatione cujusdam Suspensionis, et Citatione per eum factâ ad Requisitionem Cancellarii Universitatis in Juris Subsidium. A.D. 1382. 216.

6°. 26. Literæ Patentes, quod Cancellarius habeat Potestate in supervidendi falsa Pondera et falsas Meusuras in Nundinis de Steresbrige. 217.

6°. 27. Breve Cancellario transmissum de modo vendendi Vmuin de Rupellâ, Osey, Hispan. et de Rino. 217.

6°. 28. Literæ Patentes, quod Cancellarius Universitatis possit significare Cancellario Angliae Nomina Excommunicatorum infra Jurisdictionem suam ad Quinquennium, ut habeat Brevia pro Captione illorum. 218.

7°. 29. Charta de Cognitione Placitorum personali coram Justiciariis aliisq. Ministris Regis Cancellario allocanda, ubi altera Pars est Scholaris. Here the Grant to the Chancellor of the Cognizance of all Personal Pleas,

See a Copy of
this below,
among Charters,
&c.

Recitat. et con-
firm. An. 1°.
Edv. 6°.

Allocata est
hæc Charta
An. 14°. Rich.
2di. et An. 2°.
Hen. 4°., item
An. 5°. Hen.
5d. bis, Deniq.
An. 37°. Hen.
8v.

RICHARDUS SECUNDUS.

A. D. AN. REG.

pediant Cancellarium in Materiâ Busselli, aut
in aliorum Privilegiorum Executione. 226.

8°. 38. Literæ Regis ne Major et Ballivi im-
pediant Pistores, Braciatores, seu alios Vitel-
larios forinsecos in Venditione Victualium sua-
rum sub Pæna 100^{lb}. 227.

9°. 39. Literæ Regis quod Scholares non de-
bent quicquam solvere de Subsidiiis Decima-
rum et Quintedecimiarum, vel aliis Quotis pro
Tenementis, Scholis, vel Libris suis. 227.

9°. 40. Literæ Regis, ne Officialis Curiæ Can-
tuariensis transmittat Citationes seu Inhibi-
tiones ad impediendos Processus coram Can-
cellario. 227.

9°. 41. Literæ Patentes, quòd Candelæ et Fo-
calia sub Nomine Victualium reputabantur in
Chartâ Sup. 23. 17. 228.

12°. 42. Literæ Protectionis Cancellarii, Procu-
ratorum, et aliorum Ministrorum Universita-
tis cum omnibus Rebus et Privilegiis ad Quin-
quennium. 229.

12°. 43. Literæ Regis de Summonitione Parlia-
menti apud Cantebrigiam unâ cum Convoca-
tione Cleri ibidem.

12°. 44. Breve Cancellario transmissum de Villa
Mundandâ a Fimis et Sordibus in Adventum
Regis et Dominorum Consilii sui ad Parlia-
mentum. 234.

12°. 45. Breve Regis, quòd Major et Ballivi
statim in Cancellariâ suâ appareant, et re-
spoudeant pro Contemptu regii Mandati de
Pistoribus, Brasiatoribus, et aliis Vitellariis
forinsecis. 235.

13°. 46. Petatio Cancellarii et Scholarium in

Recitat. et con-
firm. an. 1^o.
Edv. 6th.

Recitat. et
Confirm. Char-
tæ An. 1^{mo}.
Hen. 4th.
Copyed below,
among Char-
ters, &c.

RICHARDUS SECUNDUS.

A.D. AN.REG.

**Universitate commorantium, et a Cancellario
approbatorum.** 245.

15°. 54. Literæ Regis quod Robertus Cowper
et alii à Cancellario et Procuratoribus incarce-
rati, liberentur a prisonâ ut respondeant de
factis suis in Cancellariâ Regis. 246.

15°. 55. Literæ Patentes, ne Scholares aut Ser-
vientes sui ab Hominibus Villæ Cantebriæ
indictati capiantur seu impellantur usq. in
proximum Parliamentum. 247.

15°. 56. Literæ Regis, ne incarcerati ad Man-
datum Cancellarii liberentur per Majorem et
Balivos Virtute seu Colore Brevium Regis de
replegiando. 248.

15°. 57. Literæ Regis, quòd Vicecomes assistat
Cancellario ad Insolentias Clericorum repri-
mendas in Defectu Balivorum et Burgensium.
249.

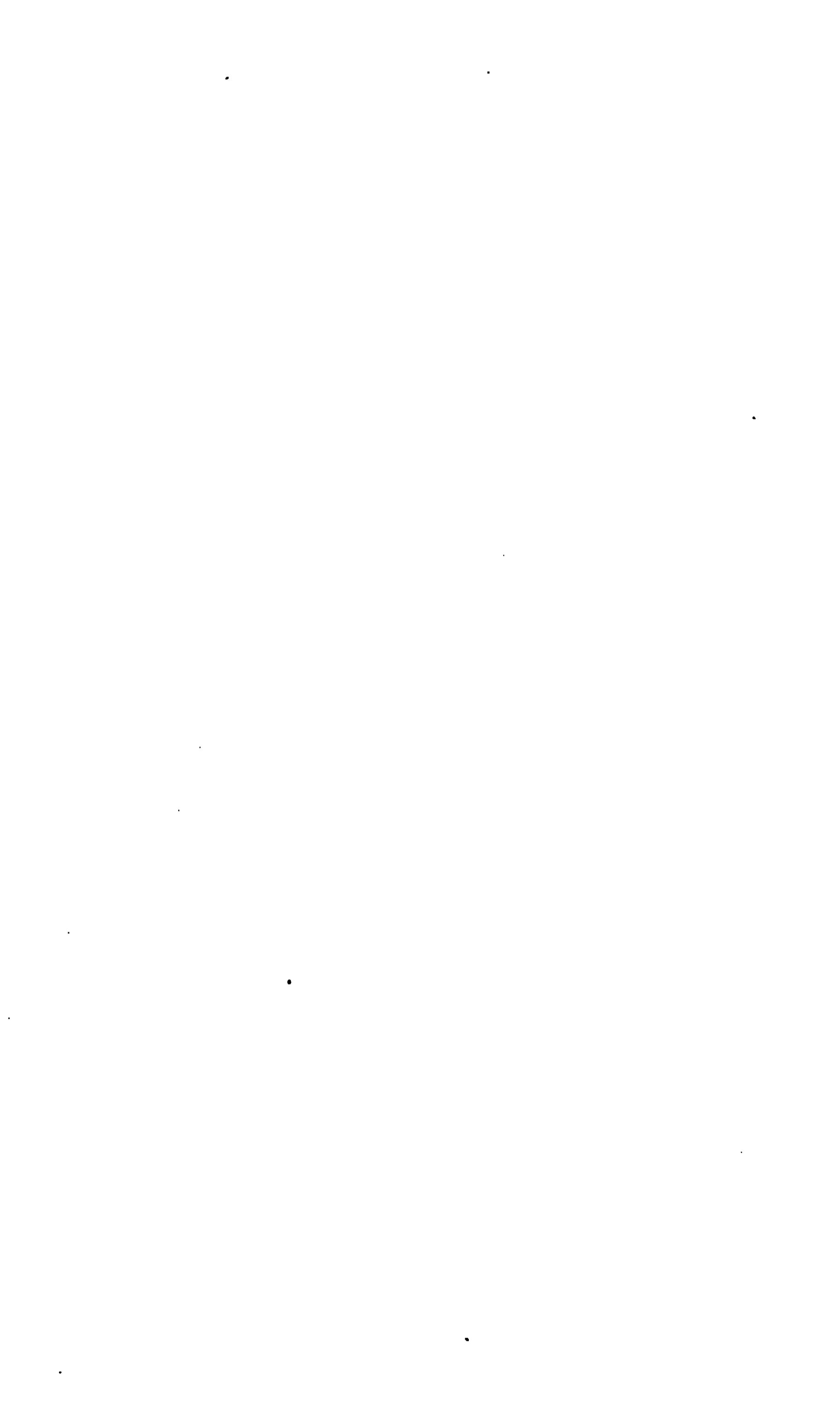
15°. 58. Literæ Regis Episcopo Eliensi et ejus
Officiali, mandantes ne in posterum transmit-
tant Citationes ad impediendam Libertatem
Universitatis de Cognitione Placitorum. 249.

16°. 59. Moderatio Statuti de Provisionibus ad
Ordinationem Regis per Communitatem An-
gliæ in Parlimento disposita, cum Petitione
ut habeatur Cura de Universitatibus. 250.

16°. 60. Literæ Regis, quòd Cancellarius refor-
mari faciat Gutteras quasdam nocivas a Custo-
dibus Aularum S^u. Michaelis et Annuntiatio-
nis B. Mariæ dudum factas. 251.

17°. 61. Petitio Universitatis in Parlimento ut
Stationarii et Librorum Ligatores habeantur
pro Servientibus Scholarium. 251.

18°. 62. Literæ Regis quod Vicecomes capi



HENRICUS QUARTUS.

A. D. AN. REG.

* Dispensations
to hold Prefer-
ments.

- 2º. 6. Petatio Communitatis Angliae in Parliamento porrecta tangens Moderationem de *Provisionibus, ac ut utraq. Academia in Memoriâ habeatur. 6.
- 2º. 7. Placita coram Rege in quibus Cancellarius habet Allocationem Chartæ de Cognitione Placitorum ubi altera Pars est Scholaris. 6.
- 2º. 8. Petatio Cancellariorum utriusq. Academiae in Parliamento contra Provisiones. 9.
- 9. Visitatio Archiepiscopi Cantuariensis tam in Universitate quam in seperatibus Collegiis. A. D. 1401. 10.
- 10. Bullæ Papæ Bonifacij IX. qua inhibetur Episcopo Eliensi, ne se dē cætero intromittat in Confirmatione Cancellarii Universitatis. The Chancellor, before he was sworn into his Office, used to be approved by the Bishop of Ely. 13.
- 11. Commissio Archiepiscopi Cantuariensis ad procedendum et terminandum in quadam Causâ Appellationis Occasione Lecturæ Ordinariæ. A. D. 1402. 14.
- 4º. 12. Breve Confirmatorium Chartæ Rich. 2 . de Cognitione Placitorum coram Cancellario habenda. 14.
- 4º. 13. Literæ Regis ne Cancellarius impediatur per Processus citatorios coram Archiepiscopo Cantuariensi in Executione Libertatum Universitatis de Cognitione Placitorum. 15.
- 5º. 14. Breve quodd Frater Johan. Chester admittatur ad Actum Scholasticum post Fratrem Phil. Boydel. 16.
- 5º. 15. Literæ Patentes quodd Graduati seu Graduandi in utraq. Academiâ sint habiles ad Beneficia Ecclesiastica capienda. 16.

HENRICUS QUINTUS.

A. D. A. N. R. E. G.

1412.	<p>1°. 1. COMMISSIO de Pace custodiendâ in Villâ et Libertate Cantebrigiæ, salvâ Libertate Cancellarii. 33.</p> <p>2°. 2. Literæ Regis de Modo observandi Statutum antiquum 176^m. de Habitibus Bacculareorum. 35.</p> <p>2°. 3. Literæ Regis de eâdem re cum Pæna mille Librarum. 36.</p> <p>3°. 4. Literæ Regis quodd Scholares Juris Canonici et Civilis Lectionibus ordinariis intersint et Bedellis persolvant Collectas suas. 37.</p> <p>3°. 5. Literæ Regis quodd Vicecomes, Major, et Ballivi intendant Cancellario ad Pacem conservandam cum fuerint requisiti. 37.</p> <p>3°. 6. Literæ Regis quodd Legistæ Scholis intendant, et Bedellis persolvant solitas Collectas. 38.</p> <p>3°. 7. Petitio Communitatis Angliæ in Favorem Cleri Regni ac Studentium in Universitatibus in Parliamento exhibita. 38.</p> <p>3°. 8. Literæ Patentes ad capiendos Buckworth, Berkford et alios tâm infra Libertates quam extra. 40.</p> <p>5°. 9. Querelæ Burgensium articulatæ contra Universitatem una cum Responsionibus Universitatis. 40.</p> <p>10. Querelæ articulatæ Burgensium tra-</p>
--------------	--

D. A.N. REG.

ditæ Duci Bedford, Angliæ Custodi, contra Universitatem. 49.

11. Querelæ Universitatis contra Johannem Bylney Burgensem pro Impugnatione Priviliorum Universitatis. About the year 1417.

Old Stat. 45. 49.
referred to here.

51.

12. Querelæ Universitatis contra Rob. Attylbrigg suscitantem Brigas inter Scholares et Laicos. 55.

13. Supplicatio Universitatis porrecta Regi apud Southampton pro libero Usu Privilegiorum suorum in Absentiâ suâ. Et ne Major et Ballivi illos Prætextu Indictamentorum de Feloniâ interim disturbent.

14. Literæ Regis Majori et Ballivis Cantebrigiæ, ut Universitas juxta Supplicationem suam liberè utatur Privilegia sua in ejusdem Absentiâ. 58.

15. Querelæ Universitatis contra Burgenses transgredientes Ordinationem Regis. Sup. 14. 59.

16. Informatio contra Universitatem pro Bannitione Rob. Hierman communis Servientis Villæ Cantebrigiæ, contra Tenorem Magnæ Chartæ. 60.

17. Breve Regis Cancellario Universitatis directum pro Restitutione Rob. Hierman communis Servientis Villæ per Universitatem banniti. 61.

18. Supplicatio Burgensium porrecta Consilio Regis in Parliamento de Concordiâ inter ipsos et Universitatem fiendâ: Et ne licitum sit Cancellario bannire Laicos sine Assensu aliorum Laicorum. 62.

HENRICUS QUINTUS.

A.D. AN. REG.

19. Supplicatio Universitatis porrecta Mag-
natibus de Concilio Regis priori respondens
de Concordia fiendâ. 66.

20. Concordatio inter Universitatem et
Villam coram Consilio Regis, et de Assensu
eiusdem Consilii, pro arbitris, ad determinandas
Lites inter dictas Universitatem et Villam pen-
dentes, elegendis. 66.

21. Petitio Universitatis in Parliamento ex-
hibita contra eos qui injustè excitant Indicta-
menta Scholarium. 68.

5°. 22. Processus coram ipso Rege inter
Laicum et Scholarem de Placito Trans-
gressionis, in quo conceditur Cancellario
Allocatio Chartæ suæ de Cognitione Placi-
torum. Sup. 24. 29. 70.

5°. 23. Processus inter Laicum quendam et
Scholarem Universitatis coram Justiciariüs de
communi Banco, in quo conceditur Cancellario
Allocatio Chartæ suæ de Cognitione Placi-
torum. Sup. 24. 29. 73.

24. Consultatio habita per Archiepiscopum
Cantuar. unâ cum Episcopis et Clero Pro-
vinciæ suæ pro Relevamine Studentium in
utrâq. Universitate, quæ nullum sortiebatur
Effectum. 75.

6°. 25. Commissio Regis de Pace custodiendâ,
et Statuto contra Lollardos exequendo in Villâ
et Libertate Cantebrigiæ, salvâ Jurisdictione
Cancellarii. 81.

1°. 26. Literæ Patentes, quod Vicecomes ha-
beat Correctionem Victualium, ac Mensu-
rarum et Ponderum in Feriâ de Steresbrig,
pendente Lite inter Universitatem et Cives
Londinenses. 83.

HENRICUS SEXTUS.

A. D. A. N. R. E. G.

Old Stat^s. 41.
43, 44. 37. 49.
and 172 are in
great Part re-
cited here as
Antient Sta-
tutes.

probans Decimas de Jure divino Ecclesie
Ministris deberi.

8°. 5. Petitio Comunitatis Angliæ in Parlia-
mento exhibita contra impia Flagitia Hiber-
norum, Scotorum, et Wallorum tam in Villâ
et Comitatu Cantebrigiæ quam alibi perpe-
trata. 100.

6. Processus Bernewellensis, in quo con-
tinetur Sententia Delegatorum super Usu et
Exercitio Jurisdictionis Ecclesiastice in Scho-
lares et alias Suppositos. In this the Pope
by his Delegates, the Prior of Bernewell and
others, enquires whether the University by
Grant or Custom were subject to the Eccle-
siastical Jurisdiction of their Chancellor, and
exempt from that of all others; empowering
them, if they should find it so, to confirm by
his Authority that Jurisdiction and Exemption,
which is accordingly here done. A. D. 1430.

103.

11°. 7. Statutum de Securitate dandâ tam per
Dominos Spirituales et Temporales ac Com-
munitatem Angliæ, quam per Universitates
Oxoniæ et Cantebrigiæ super Observatione
cujusdam Articuli pro Tranquillitate et Pace
in Regno conservanda; unâ cùm dicto Ar-
ticulo. 118.

9°. 8. Literæ Patentes ad confirmandam Char-
tam An. 1°. Hen. 4th. concessam, quatenus
non revocata fuit in Parlimento An. Reg.
Regis 1^{mo}. 124.

9. Bulla Papæ Eugenii 4th. de Confir-
matione Sententie Delegatorum super Usu
ac Exercitio Jurisdictionis. Sup. 38. 6. A. D.
1433. 124.

HENRICUS SEXTUS.

A. D. A. N. REG.

silio levando in Villâ et Comitatu prædicto.

136.

22°. 19. Litera missiva Universitatis Regi directa continens Ordinationem de Modo orandi tam in Vitâ pro eo, quam post Mortem pro Animâ ejus. N. B. Decretum est quod hæc Ordinatio in Registro cum Statutis aliis inseratur.

138.

20. Concessio Universitatis, quod Collègium Regale sit a Jurisdictione suâ prorsus exemptum. This Concession is to take place, if the Bishops of Salisbury, Lincoln, and Carlile shall judge it to be consistent with the Oaths required by the University: and it seems limited by the Composition 22 below.

A. D. 1448.

139.

21. Rescriptum Papæ Nicholai 5th. de Remedio habendo contra Injurias a Rad. de Leycestria Academie illatas. 141.

22. *Compositio inter Universitatem et Collègium Regale, super Modo et Formâ ac Potestate Jurisdictionis exercendæ tam per Præpositum istius Collègii in Scholares suos, quam per Cancellarium in dictum præpositum et Scholares, per Regem approbatâ. A. D. 1456. 141.

37°.

23. Literæ Patentes, quod Cancellarius habeat +Potestatem corrigendi Nocumeta Universitatis, et banniendi Meretrices per 4 Milliaria. Copy'd inf. 145.

*Tis here agreed that the Provost have the Probate of Wills, and Cognizance of Causes within his Coll. even tho' the Plaintiff be a Scholar of the University; but not if the Defendant be so.

+ i. e. Power to keep the streets clean.
Confirm. inf.
Recitat. et Confirm. An. 1^o. Edv. 6th.



INDEX TERTII VOLUMINIS.

HENRICUS SEPTIMUS.

A. D. A. N. REG.

1496. 11°.	1. LITTERÆ Patentes confirmingat Literas Hen. 6 ^u . Sup. 40. 23. de Meretricibus extra Universitatem banniendis, et aliis quibusdam Nocumentis reformandis. fol. 1.	Recitat. et Con- firm. inf. An. 1°. Edv. 6 ^u .
11°.	2. Breve Regis Cancellario transmissum de Proclamatione facienda pro Piscibus impac- candis secundum Tenorem Actus Parliamenti tempore Edv. 4 ^u . editi. 3.	Recitat et Con- firm. An. 1°. Edv. 6 ^u .
12°.	3. Licentia concessa Dominae Margaretæ Comitissæ Richmondiæ, pro Lectione per- petuâ in Theologiâ instituendâ. 6.	
17°.	4. A Bond for 500 Marks, given by the Town to the University; the Condition of which is, that the Town stand to the Award of certain Arbitrators agreed upon by both Parties to adjust several contests about Pri- vileges. 7.	
17°.	5. The award made between the Uni- versity and Town of Cambridge by certain Arbitrators in the Presence of the noble Lady Margaret, Countess of Richmond, touching their Privileges on both Parts. 8.	The Compositi- on between the University and Town. See an Abstract of it below.

HENRICUS OCTAVUS.

A. D. AN. REG.

18°. 6. An Indenture of Composition made between the University and Town, at the Request of the Lady Margarett, Countess of Richmond, concerning the Privileges on both Parts, after the Award made by the Arbitrators. 21.

Margaret Professor.
See below.

18°. 7. Fundatio Domine Margaretae Comitissae Richmondiæ de uno Lectore publico in Sacra Theologiâ cum Statutis. 33.

18°. 8. Conventio Abbatis Westmonasterii pro Solutione Stipendii dicti Lectoris. 38.

19°. 9. Licentia instituendi Cantariam perpetuam unius Prædicatoris Verbi Dei in Universitate Cantebrigiae ex Fundatione Domine Margaretae Richmondiæ Comitissæ. 39.

Margaret Preacher.
See below.

20°. 10. Fundatio dictæ Cantariæ unius Prædicatoris, cum Statutis. 40.

21°. 11. Conventio Abbatis Westmonasterii pro Solutione Stipendii dicti Prædicatoris.

This £10 was given to the Beadles by the Injunctions of Ed. 6th.
A Non-Graduate worth £5 per An. not to carry Arms by Night or Day, or disturb the Peace of the University on Pain of 20s.

20°. 12. A Grant to the University of £10 per An. for Suffrages to be yearly sung for the King, Queen, &c. for ever. 46.

13. Edictum Universitatis de Modo puniendi non Graduates, qui Tranquillitatem Universitatis perturbant. 53.

HENRICUS OCTAVUS.

A. D. AN. REG.

These are the Mertonby Lectures.
See below.

1524. 16°. 1. S^r. ROB^s. READ'S Foundation of three public Lectures in Humanity, Logick, and Philosophy, each £4 per An. to be read in the common Schools in term. 56.

HENRICUS OCTAVUS.

45

A.D. A.N. REG.

2. Articles of Complaint exhibited by the Town against the University for Usurpation of Privileges. 61. See below.

3. The Universities Answer to the said Articles, with a Memorandum of a Determination made thereon by *the L^d. Chancellor, the Archbishop of Canterbury and the Duke of Norfolk. A. D. 1534. 65. *Their Jurisdiction is founded on the Award Sup. 43. 5. See below.

26°. 4. Literæ Patentes, quod Universitas licet habere poterit tres Stationarios, sive Librorum Impressores in perpetuum in Villâ Cantebriæ. 70. Copy'd below.

27°. 5. Injunctiones regis ad Universitatem Cantebriæ transmissæ, ac per Magistrum Tho. Cromwell dicti Regis Visitatorem generalem et Vicegerentem, ac Universitatis Cancellarium adiunctæ. 71. Here the Study of Canon Law is prohibited: and a Greek and Latin Lecture founded at the Expence of the University.

27°. 6. Articuli Thomæ Leigh, LL D. ac dicti Tho. Cromwell Delegati premissis Injunctionibus adjecti. 74. Every Coll. to send in all its Grants, Charters, and Statutes, with a Rental of its Estates and Inventory of its Goods. For this Grant each University is to found a public Lecture as the King shall Appoint, and say Mass for him the 8th. of May and Octob.

27°. 7. An Act that the Lands of the two Universities, and of the Colleges of Eaton and Winchester shall be discharged from Payment of first Fruits and Tents for ever. 16. Copy'd below.

33°. 8. Decretum Sactarii de bonis Leonardi Metcalfe, Scholaris, nuper de Felonia attincti. 82. The Paving Leet.

35°. 9. An Act for Paving the Town of Cambridge. "In this a paving Leet is appointed "to be held every Easter and Mich'. by the "Vice-chancellor and Mayor. The Penalty for "every Yard Square of bad Pavement is 6^d. for "every Pole of bad Way in the Lanes not "paved 12^d. The Fines of Scholers and "Scholer's Servants to be levied by the Vice-

HENRICUS OCTAVUS.

¶. V. AN. REG.

"chancellor for the Use of the University,
"other Fines by the Mayor for the Use of the
"Town." 83.

the Vicar of
Burwell

36°. 10. Indentura inter Universitatem et Edvardum North Militem pro Rectoriâ Ecclesiæ de Burwell eidem Universitati approprianda.
"The University pays the Vicar of Burwell £ 20 per An. and within 4 Months after a vacancy nominates two Clerkes of which S^r. Edw. North's Heirs present One 14 Daines after Notice." 87.

36°. 11. Obligatio dicti Edvardi North Militis de Articulis Indenturæ prædictæ observandis.

36°. 12. Licentia appropriandi Rectoriam de Burwell Universitati per Edv. North. Militem. 91.

36°. Assensus Episcopi Norwicensis cum Confirmatione Decani et Capituli Sanctæ Trinitatis et Archidiaconi de Sudbury pro Rectoriâ de Burwell Universitati Appropriata. 95.

36°. 14. Scriptum Edvardi North Militis de Concessione Advocationis, et Jurispatronatûs Rectoriæ de Burwell. 98.

37°. 15. Mandatum Regis Justiciarii suis transmissum de supersedendo in Executione Brevis versus Rad. Aynsworth Clericum: Et quod fiat Placitum coram Cancellario Ratione Privilegiorum Universitatis. 98.

EDWARDUS SEXTUS.

A. D. A. N. REG.

1546. 1°. 1. LITTERÆ Patentes, quibus reci-
tantur et confirmantur hæc omnia quæ sequun-
tur, viz. Literæ Patentes Edv. 4th. Sup. 41. 1.
—Hen. 6th. 40. 23.—Hen. 7th. 43. 1.—Rich.
2^d. 26. 40. et 21. 26.—et Hen. 7th. 43. 2.
102.

7°. 2. An Act limitting the *Prices of Wines
and Number of Taverns through the Realm:
with a Proviso for Safety of the Liberties of
the two Universities.

3. A Letter from the Privy Council, that
the Mayor of Cambridge, and the Under-
sherrif of the County shall acknowledge their
Offences before the Vice-chancellor and others.

A. D. 1547. Copy'd below. 106.

2°. 4. A Letter from the King signifying his
Intent to visit the University: with an Inhi-
bition against all such Things, as may be pre-
judicial to the same Visitation, the filling of
any Vacancies in particular. 108.

2°. 5. Literæ Patentes de Visitatione facienda
in Universitate Cantebrigiae et in Collegio de
Eaton juxta Windsor.

6. A Letter from the Visitors inhibiting all
such *Things, as may be prejudicall to their
Commission of Visitation. A. D. 1548. 111.

*French Wines
at 8d. others at
12d. a Gallon.

The Commis-
sioners, here
appointed to
visit, have an
unlimited Pow-
er of reforming
both Persons
and Things, as
they see fit.
* The Alien-
ation of Coll.
Lands and
Goods in parti-
cular.

PHILIPPUS ET MARIA.

A.D. AN. REG.

111.

7. Literæ Edvardi Ducis Somersettensis,
notificantes Universitati Adventum Visitatorum
Regis. A. D. 1549. 111.

3º. 8. Breve Regis Citatorium Cancellario et
Procuratoribus transmissum, quod compareant
coram Visitatoribus Regis 6º. Die Maii An.
1549. 112.

PHILIPPUS ET MARIA.

A.D. AN. REG.

1. RESPONSIO potentissimi Principis
Philippi secundi Hispaniarum Regis ad Lite-
ras Universitatis, quas ei dederunt in primo suo
Adventu in Angliam. A. D. 1554. 116.

2. Statutum de Officio trium Lectorum
publicorum, qui in Academiæ Scholis præ-
legant, quorum unus Theologiam, alter Lin-
guam Hebraicam, tertius Græcam docet.
These Lectures are in Effect confined to the
Fellows of Trinity: the Salary for each is
£40 per An. the Lecturers are bound by Oath
to read four Times a Week in Term. 116.

*Hebrew, Greek,
and Divinity
Lectures.*

Purveyors.

3. An Act, that no Purveyor or Taker shall
take or Bargain for any Kind of Victual or
Grain within 5 Miles of Cambridge or Ox-
ford *against the Will of the Owners*: nor shall
take or Bargain *at all* for any kind of Victual
or Grain in Oxford or Cambridge, or pro-
vided by any Common Minister of any College
for the Use of that College, within the said

ELIZABETHA REGINA.

A.D. A.N. REG.

Space of 5 Miles, on Pain of 4 times the Value bargained for: half to the University, half to the Informer; to be sued for in any Court of Record, or before the Vice-Chan. and 2 Justices of the County; and also on Pain of 3 Months Imprisonment. 119.

ELIZABETHA REGINA.

A.D. A.N. REG.

1561. 3°. 1. CHARTA seu Literæ Patentes am- plissimæ, confirmantes diversa Pivilegia an- tiqua cum Augmentatione novorum. Copy'd below. 122. Allocata est hæc Charta quoad Cogniti- onem Placi- torum An. 29°. Eliz.

3°. 2. The Queen's Injunction, that no Head or Member of any College or Cathedral Church, being married, shall keep his Wife or Family within the Precincts of the same, on Pain of forfeiting all his Ecclesiastical Promotions there. Copy'd below. 131.

3. A Letter from the Privy Council to the Vice-Chancellor, Mayor, and others, for the appeasing of Troubles between the University and Town. A.D. 1564. 132.

9°. 4. Licentia concedendi Terras et Tene- menta Universitati, ad clarum annum Va- lorem septuaginta Librarum in Manum Mor- tuam. 132.

5. Some Conference, had in the Star Cham- ber, touching the uniting of the two Corpora- tions of the University and the Town. 133.

ELIZABETHA REGINA.

A.D. AN.REG.

Made perpe-
tuall 39 Eliz.
Chap. 18.

Purveyors.

**Act for Corn
Rent.**

6. Another Letter from the Privy Council, calling for Answer and Execution of their former Letter. Sup. 3. A.D. 1568. 135.

13°. 7. An Act for Incorporation of the two Universities, and confirming all their Grants from the Crown, particularly Harry the 8th. Charter to Oxford, and the Queen's to Cambridge. This Act not to extend to the Prejudice of the Privileges of the City of Oxford and Town of Cambridge. 135.

13°. 8. An Act, that Purveyors and common Poulterers may take and bargain for Grain or any Victual in Cambridge or Oxford or within 5 miles of either with Leave of the Vice-chancellor. To continue in Force to the last Day of next Parliament. 139.

16°. 9. A Grant made to the University of certain Ground by the Archbishop of Canterbury towards the Erection of a new Street now called the University Street. 141.

18°. 10. An Act, that, for the future, in all Leases, made by any of the Colleges in either University or by the Colleges of Eaton and Winchester, a third Part of the Rent be reserved to be paid in Corn; viz. in Wheat to be delivered at 6s. 8d., and Malt at 5s. per Quarter: and in Default of such Delivery, the Value of the Corn to be paid in Money, according to the Price of Corn at those Places the last Market Day before the Rent became due. 143.

21°. 11. An Order of the Exchequer, that John Pooley a Privileged Man shall not be impleaded in the Exchequer, but before the Chancellor of the University. 144.

L. D. A. N. REG.

12. An Opinion of the two chief Justices touching the Nomination of Vintners, and setting of Prices upon Wines in the University. Copy'd below. 144.

28°. 13. Processus coram Baronibus Saccarii contra Johannem Baxter Universitatis Bedellum in Causâ Informationis pro Retalliatione Vini excessivo Pretio contra Formam Statuti. 145.

30°. 14. A Writ of Privy Seal to the Court of Eschequer for Surcease from Process in the Cause of John Baxter and others, touching an Information for selling of Wines at unlawfull Prices. 151.

29°. 15. Quod Moyses Fowler Scholaris habeat Allocationem Privilegiorum Universitatis coram Justiciariis de Banco juxta Tenorem Chartæ. Sup. 49. l. 152.

31°. 16. Charta in qua continentur subscripta, viz. Confirmatio quorundam Privilegiorum Chartæ, Sup. 49. l. concessorum. Explanatio Jurisdictionis Cancellarii, Magistrorum, et Scholarium in Nundinis de Sturesbridge et Bernewell, cum confirmatione Consuetudinum antiquarum. Declaratio qui sunt Ministri et Servientes Scholarium privilegiati. Licentia refinendi Servientes vocatos Reteyners. See an Abstract of this below. 154.

Vintners.

JACOBUS PRIMUS.

A.D. AN. REG.

See below.	1602.	1º.	1. LITERÆ Patentes, quodd Universitas in Posterum eligant de seipsis duos Burgenses Parliamenti.	170.
See below.		2º.	2. Charta seu Literæ Patentes confirmantes varia Privilegia antiqua, et nova insuper ad-jungentes.	173.
See below.		10º.	3. A Determination of the Privy Council, that the Town of Chesterton is within the Jurisdiction of the University. And that the Vice-chancellor ought to take Place of the Mayor.	186.

*The particulars here following, are in the V. Chan's.
Copy of Hare, and not in the Registers.*

Ed. 24w.

1. LICENTIA instituendi Collegium
Scholarium in Mylnstreet per Cancellarium
et Magistros Universitatis. Vol. 3, f. 32.

Ed. Stus.

**2. Commissio ad inquirend. et certificand.
de Terris, Tenementis, et Libertatibus ad
Capell. de Steresbrigg pertinent. An. 1362.**

Rich, 2dw.

3. Commissio de pace conservanda in villa et suburbii Cant. salva jurisdictione Cancellarii Universitatis. ib. f. 85.

N. B. In this 3d. Vol. of the V. Chan's. Copy there are above 20 more Commissions in the same form with this, or abstracts of it, which are not in the Register's copy. There is one of these Commissions at large in the Register's Copy, Vol. 1. f.190.

4. Edictum Cancellarii et Universitatis de Hen. 5th.
Habitu Baccalaureorum cujuscunq. Facultatis.
ib. f. 106.

5. Statutum Cancellarii et Universitatis de incedendo in Habitibus ad processiones gene- Hen. 5th.
rales. ib. f. 132.

6. A Paper called the Precedency of the V. Chan: and a letter of King James, that Cambridge be not made a city. Vol. 2. f. 148.

7. Several things relating to the Vicaridge of Campsall in the Province of York, particularly the University's presentation to it, and Archb^r. Rotheram's Institution of their Clerk. An. D. 1483. Vol. 3, at the end.

N. B. The V. Chan. has a 4th Vol. of Hare, which relates merely to the Town, and has nothing in common with the Register's Copy, only 2 Letters from Edw. the 1st, one called, *Commissio de computo pavimenti villa Cant. audiendo*, and the other, *Breve de associando M^rum Galfridum Pakenham ad audiendum computum de pavimento*, and one in Edw. the 4th's time, *De magno Ponte reparando*.



CHARTERS AND BULLS,

WITH OTHER

Public Instruments and Documents.

Carta Arthuri Regis de Immunitatibus Universitati Cantabrigiæ concessis.

ARTHURUS regali à deo fretus dignitate omnibus servis salutem. Quia omnipotens Deus per misericordiam clemencie suæ absque ullo antecedente merito sceptra regis mihi largitus est, libenter ex eo quod dedit retribuo. Idcirco ejus gracia eruditus, pro amore cœlestis patriæ remedioque animarum antecessorum meorum Britanniæ Regum, pro augmentatione rei publicæ, regni mei Britanniæ, ac profectu spirituali Scolarium in lege Domini jugiter Cantabrigiæ studentium, consilio et assensu omnium et singulorum Pontificum et Principum ejusdem Regni, licentia Sedis Apostolicæ, statuo præsenti scripto et firmiter decerno, ut civitas Scolarium prædicta, ubi hactenus splendorem scientiæ et lumen doctrinæ gratia favente conditores mei predecessores acceperunt, à publicis vectigalibus et operibus onerosis absolvantur, ut quietudine doctores inibi et scolares valeant doctrine studio inherere, sicut gloriosus Rex Britannus Lucius decrevit, Christianitatem amplectens prædicatione

Cantalupi Hist.
de Antiq. et
Orig. Univers.
Cantabrigi-
ensis. Edit. per
T. Hearn cum
Sprotto, p. 268.

doctorum Cantabrig. Quamobrem sint scolares atque doctores Cantabrig. manentes in tranquilitate perpetua, tuta privilegiisque muniti regalibus cum suis rebus et familiaribus ab omnibus secularibus servitutibus, necnon à regalibus tributis majoribus seu minoribus.

Scripta autem est Cartula anno ab Incarnatione Domini 531, septimo Aprilis in Civitate Londonensi. Et pro ampliori firmitate Rex Arthurus transmisit cartulam prædictam Kynoto, Rectori scolarium civitatis prædictæ, per suum nepotem Walwanum probitate clarum.

Privilegium Regis Cadwaldi Universitati Cantabrigiensi concessum.

CADWALDUS divina gratia favente rex totius *Britanniae* omnibus Christi fidelibus tam nobilibus quam plebeii salutem. Notifico vobis, me concessisse Almerico, rectori scolarium *Cantabrigiæ*, et singulis suis successoribus gitime ordinatis, libertates, jura, consuetudines et privilegia super omnes scolares ibidem moram facientes. Sintque scholares et doctores illius celeberrimæ matris *Philosophiæ*, civitatis *Cantabrigiæ* à *Cantebro* ædificatae, necnon à Granthino Comite honorabiliter muratae, ab omni calumpnia, inquietatione et scandalo liberi, sicuti hæredes mei mihi habentur: Eadem insuper Almerico et ejus vicem gerentibus concedo potestatem cognoscendi tam in ignotis causis quam in notis, in modicis et in magnis, et eandem auctoritatem puniendi et dimittendi habeat quam mea curia, tantummodo lese majestis crimine excepto, quemadmodum antecessores mei rectoribus ejusdem Civitatis concesserunt, et statuendo confirmaverunt, viz. Lucius, Asclepiodorus, Constantinus, Utterpendragon, Arthurus et pater meus Cadwallis *Britanniae*

patris altissimi gratia reges, qui civitatis Cantab. habitatores causa doctrinæ et sanctitatis honorantes vitæ, in reverentia habuerunt et amore, cum ex illa civitate præcipua processerunt philosophantes et scientiæ amatores totius Europæ. Quocirca omnipotens Dei Patris et Filii et Spiritus Sancti auctoritate et perpetuæ Virginis prohibeo et universis regni mei cæterarumque gentium in circuitu persistencium præpositis et primatibus præcipio, ut nullus rectorem civitatis prædictæ, seu scholarem cujuscunque facultatis in eadem perturbare aut inquietare audeat, sed omnes pariter et singuli pontifices, reguli et principes, respectu scholarium et eisdem servientium tam in secularibus quam in ecclesiasticis causis prædicti rectoris juditum expectent, sicuti prædecessores nostri sanxerunt. Si quis autem quovis modo deinceps sub aliqua occasione interumpere atque irritum facere hujusmodi privilegii testimonium nisus fuerit, à consorio pietatis ultimi examinis ventilabro disperitus sit.

Scripta Cantab. anno ab incarnatione Dom. 681.

Notat doctus Tho. Hearnus esse annum 685, apud Caium.

**Regis Edwardi, filii Alfredi Confirmatio omnium
Privilegorum Universitatis Cantabrigiæ.**

IN nomine Domini Jesu Christi. Ego Edwardus dei ^{Ib. p. 279.} gratia rex Anglorum, divino compulsus amore, præcepto Johannis Apostolicæ sedis episcopi, ac Phlegmundi Cantuariensis Archiepiscopi, consilio omnium sacerdotum & principum meæ dominationis, universa & singula privilegia doctoribus & scholaribus Cantabrig. necnon servientibus eorundem,

ubi ab olim viguit indesinenter mater philosophiae, & reperi-
tur in presenti fons clerimoniae, à me data seu antecessoribus
meis quomodolibet concessa, stabili jure, grata & rata de-
cerno durare quamdiu vertigo Poli terras ac æquora circa
æthera siderum justo moderamine volverit.

Dat. apud Grancester, anno ab Incarnatione Domini 915.
Venerabili viro Frithstano civitatis scolarium Cantabrigiæ
cancellario & doctori per suum consilium & heredem Athel-
stanum destinata.

Honorii primi Papæ Confirmatio Privilegiorum Universitatis Cantabrigiæ.

Ib. p. 258.

HONORIUS episcopus, servus servorum Dei, dilectis
filii Doctoribus & Scolaribus Universitatis Cantabrigiæ salu-
tem & apostolicam benedictionem. Dilectissimi in Domino
filii, non absque labore & plurima turbatione didicimus, quo-
modo multitudine nefanda Paganorum Universitas vestra olim
saluberrima vehementer affigitur, quorum pravitate nonnulli,
propriæ salutis immemores, luporum faucibus & vulpina facie
libertates & privilegiæ, quæ vobis & prædecessoribus vestris
in eadem Universitate Studentibus gratiose indulxit sedes
Apostolica, moliuntur enervare. Ita quod plures ecclesiarum
præpositi absque rationis jure minus juste in vos jurisdictionem
indebitam & insolitam usurpare, quanquam non consue-
verunt hactenus, ad Universitatem vestram accedunt, materiam
perturbationis & discordiæ seminantes, non correcciónis,
emendationis aut reformationis ibidem officia exercentes,
contra inhibitionem sedis Apostolice. Volentes igitur, ut
tenemur, justicia suadente paci & tranquilitati Universitatis
vestræ paterna sollicitudine salubriter providere, ubi clemen-
tia salvatoris poculum doctrinæ salutaris scientiæ hausimus

tunc agentes in minoribus, prædecessorum nostrorum Romanae ecclesiæ Pontificum Elutherii, Fabiani, Leonis, Simplicii, Felicis & Bonifacii vestigiis debite inherentes, auctoritate omnipotentis Dei districcius inhibemus sub pœna excommunicationis, quam veniens in contrarium ipso facto incurrat, ne quis Archiepiscopus, Episcopus, Archidiaconus, aut eorum officiales, seu visitatores generales aut speciales, à sede apostolica deputati, audeat in aliquem vestrum suspensionis vel excommunicationis seu interdicti sentencias, aut vos seu familiares vestros molestare præsumat. Sed Cancellarius cum Rectoribus de consilio saniorum & seniorum vestræ Universitatis secundum statuta vestra corrigeret, & emendaret studeant, caritate semper media, secundum quod magis expedire videbitis. Si quis vero subditorum vestrorum statutis vestris contraire præsumpserit aut contempserit observare, eum ecclesiastica sententia percellatis, quam s. sententiam rationabiliter latam à Diocesano Episcopo quam ab aliis inconcussam usque ad condignam cum humilitate & pœnitentia satisfactio nem præcipimus observari. Decrevimus etiam quod nulli omnino hominum liceat hanc paginam nostræ concessionis, voluntatis exemptionis & libertatis infringere, vel ei aliquatenus contraire. Si quis hoc attemtare præsumpserit, indignationem omnipotentis Dei se noverit incursum.

Script. apud Sanctum Petrum anno ab Incarnatione Verbi secentesimo vicesimo quarto, vecesimo die mensis Februarii.

Alia Confirmatio Sergii primi Papæ.

SERGIUS Episcopus, servus servorum Dei, dilectis Ib. p. 255. filiis doctoribus & scholaribus Universitatis Cantabrigiæ in Anglia studentibus salutem & apostolicam benedictionem.

Quoniam fama bona opinionis, doctrina fidei orthodoxe vestre Universitatis ubique terrarum diffunditur & experti sumus, ut vobis gratiam faciamus inducimur justitia suadente. Ea propter dilecti in Domino filii, vestris piis & honestis, justisque postulationibus annuentes, paci & tranquillitati vestre Universitatis almæ, ubi odor devotionis cum labore sanctitatis adesse solebat, solicite volentes providere, præsentium auctoritate decrevimus, ut nulli archiepiscopo seu episcopo aliive ecclesiasticæ personæ vel secularii liceat Universitatem vestram aut aliquem vestrum suspendere seu excommunicare vel quolibet sub interdicto ponere, absque summi Pontificis assensu vel ejus mandato speciali. Prohibemus insuper, ne quis privilegia vobis à sede apostolica gratiouse concessa vel indulta ausu temerario infringere seu restringere præsumat vel attemptet. Nulli igitur omnino homini liceat hanc paginam nostræ concessionis & exemptionis infringere, vel ei quovis modo contraire. Si quis autem hoc attemptare præsumperit, indignacionem omnipotentis Dei & beatorum Apostolorum Petri & Pauli se noverit incursum.

Scripta Romæ in ecclesia Lateranensi anno ab Incarnatione verbi sexcentesimo octogesimo nono.

Bulla Johannis (ut credo) decimi Papæ pro Confirmatione Universitatis Cantabrigiensis.

N. p. 256.

JOHANNES Episcopus, servus servorum Dei, dilectis filiis Universitatis Cantabrigiæ Eliensis diocesis salutem & apostolicam benedictionem. Inter singula quæ grata nobis oblectacione lætificant, grandi reficimur gaudio & lætitia exultat optata, cum eos, qui cœlesti sunt providentia prædicti, ad populorum regimen & regnum ad communem subjectorum suorum profectum intentos aspicimus, ipsosque ad publice

utilitatis bonum sollicitos intuemur. Sane carissimus in Christo filius noster Edwardus, Angliæ rex illustris, prudenter attendens, quod multitudo Sapientum salus est regnum, quodque non minus prudentium consilio quam fortium strenuitate virorum regencium & regnum moderamina disponuntur, apud Cantabrigiam Elien. Diocesis locum in regno suo multis commoditatibus praeditum & insignem desiderat vigere *studium generale*, & quod à doctoribus & docendis in posterum frequentetur, humiliter postulavit à nobis ut studium ab olim inibi ordinatum & privilegia à Romanis Pontificibus prædecessoribus nostris, vel Regibus Angliæ qui fuerunt pro tempore eidem concessa, apostolico curaremus munimine roborare. Nos igitur suæ intentionis propositum dignis in domino laudibus commendantes, ejusque supplicationibus inclinati, apostolica auctoritate statuimus, ut in predicto loco Cantabrigiæ sit de cetero *studium generale*, illudque ibidem vigeat perpetuis futuris temporibus in qualibet facultate, volentes auctoritate predicta & etiam decernentes quod collegiam magistrorum & scolarium ejusdem studii Universitas sit censenda & omnibus iuribus gaudeat quibus gaudere potest & debet *Universitas* quæcunque legitime ordinata. Ceterum omnia privilegia & indulta & predicto studio racionabiliter à pontificibus & regibus predictis concessa auctoritate predicta confirmamus. Nulli ergo omnino homini liceat hanc paginam nostri statuti, voluntatis, constitutionis, & confirmationis infringere, vel in ausu temerario contraire. Si quis autem hoc attemptare præsumpscerit, indignationem omnipotentis Dei, & beatorum Petri & Pauli Apostolorum se noverit incuruisse.

Dat. Avinione vj^o Idus Julij pontificatus nostri anno secundo.

CHARTA RICHARDI SECUNDI.

QUÆ sequuntur omnia usq. ad fol. 92 confirmantur per Chartam An. 2^{do}. Richardi 2^{da}. Academiæ concessam.

1º. *Literæ Henrici 3^æ. in hæc Verba.*

De Clericis ad
Mandatum
Cancellarii per
Vicecomt. in-
carcerandis.

Rex Vicecomiti Cantebrigiae Salutem. Cum nonnunquam Contentiones inter Clericos et Laicos oriantur, per quos et contra Coronam nostram, et aliâs multoties Maleficia perpetrantur. Volentes tam Clericorum quam Laicorum Paci et Tranquillitati prospicere, prout ad regiam pertinet Dignitatem, Tibi præcipimus, quatenus cum Clericus aliquis de Universitate Scholarium Cantebrigiae studentium, Maleficiis potius se immiscens, quam Studio vacans, à prædictâ Universitate fuerit de Malitia notatus, ita quod Carceri sit mancipandus; et Burgenses dictæ Villæ ad Incarcerationem illam faciendam aut Impotentes fuerint aut negligentes. Tu Malefactorem illum aut Malefactores illos ad Mandatum Cancellarii Universitatis prædictæ capi facias, et Carceri mancipari, et in eo salvò custodiri, donèc a Cancellario ejusdem Universitatis petantur quod a Carcere liberentur; cui sic petenti eosdem facias liberari. Et ita discretè et diligenter hoc Præceptum nostrum exequaris, quod in nullo te negligentem reputare possimus. Teste meipso apud Ditton 30º Die Martii, Anno Regni nostri vicesimo sexto.

2^o. Literæ Patentes Henrici 3^{ti}. in hæc Verba.

Rex omnibus Ballivis et Fidelibus suis Salutem. Sciatis quod ad Honorem Dei, et Ecclesiae sacrosanctæ, nec non ad Commodum et communem Utilitatem Scholarium in Municipio Cantebrigiae studentium, concessimus Cancellario et Scholaribus prædictis, et eorum Successoribus ibidem studentibus, quod omnes Domus ejusdem Villæ, quas Scholaris prædictos inhabitare contigerit, per duos Magistros et duos Burgenses ejusdem Villæ, secundum rationabilem Taxationem, de cetero taxentur de Quinquennio in Quinquennium. Et Ideo vobis mandamus, quod prædictis Cancellario et Scholaribus contra hanc Concessionem nostram Impedimentum, Molestiam, aut Gravamen non inferatis, vel ab aliquibus inferri permittatis.

In Cujus rei Testimonium has Literas nostras fieri facimus patentes Teste meipso apud Westmonast. 7^o Die Feb. Anno Regni nostri 50^o.

De Taxatione
Domuum Scho-
larium.

3^{ti}. Literæ Patentes Hen. 3^{ti}. in hæc Verba.

Rex omnibus Ballivis et Fidelibus suis, ad quos præsentes Literæ pervenerint, Salutem. Sciatis quod ad Pacem et Tranquillitatem nec non ad Utilitatem Universitatis Scholarium Cantebrigiae providimus et concessimus quod duo Aldermannii fiant in Cantebrigia, et quatuor de discretioribus et legalioribus Burgensibus ejusdem Villæ associentur ipsis Aldermannis, qui omnes jurent nobis Fidelitatem, et sint assistentes et consulentes Majori et Ballivis nostris Cantebrigiae ad Pacem nostram conservandam, et ad Assisas prædictæ Villæ custodiendas; et ad investigandos Malefactores et Perturbatores Pacis nostræ, et vagabundos de Nocte, et Receptores Latronum et Malefactorum: et corporale præ-

Jurati-ad Pa-
cem Villæ Can-
tebrig. conser-
vand:

—et ad Assisas
custodiend:

—et ad Ma-
lefactores inves-
tigand:

Inquisitio de
suspectis Hos-
pitibus.

De Regratariis.

De Clericis et
Laicis vim in-
ferentibus.

Pistores, et
Braciatores,
i. e. Brewers.

De Vina ven-
dentibus.

Tentatio Panis.

Assisa Cervi-
sia.

De Fimis et
Sordibus amo-
vendis.

tent Sacramentum, quod omnia praedicta fideliter observabunt. In qualibet autem Perochiâ Villæ Cantebrigiae sint duo Homines electi de legalioribus Perochianis et jurati, quod in qualibet Quindenâ inquirent diligentè ne quis suspectus hospitetur in Perochiâ, et si aliquis receptaverit aliquem per tres Noctes in Domo suâ, respondeat pro eo. Nullus etiam Regratarius emat Victualia in Villâ Cantebrigiae vel extra versus Villam venientia, nec aliquid emat ut iterum vendat ante Horam tertiam, et si fecerit, amercietur secundum Quantitatem et Qualitatem Delicti. Si vero Laicus inferat Clerico gravem vel enormem Lessionem, statim capiatur: et si magna sit Lessio incarcetur in Villâ ipsâ, et ibi detineatur quousq. Clerico rationabiliter fuerit satisfactum. Si autem Clericus inferat gravem vel enormem Lessionem Laico, incarcetur in Villâ prædictâ, quotiesq. Cancellarius Universitatis ipsum postulaverit. Pistores et Braciatores Cantebrigiae in primo transgressu suo amercentur, in secundo Panem amittant et Cervisiam, in tertio Transgressu habeant Judicium de Pillorio vel Tumberello. Quilibet Pistor habeat Sigillum suum, et signet Panem suum per quod possit cognosci cuius Panis sit, quod si non fuerit graviter amercetur. Quicunq. de Villâ Cantebrigiae braciavit ad vendendum, exponat Signum suum, alioquin amittat Cervisiam. Vina Cantebrigiae communiter vendantur et indifferentè tam Clericis quam Laicis, ex quo imbrochiata fuerint. Tentatio Panis fiat bis in Auno, videlicet, in Quindenâ post Festum sancti Michaelis, et circa Festum sanctæ Maris in Martio. Et Assisa Cervisia fiat eisdem Terminis secundum Valorem Bladi et Brasei. et quotiescunq. debeat fieri Tentatio Panis et Cervisia, intersit Cancellarius dictæ Universitatis, vel aliqui ex Parte suâ ad hoc deputati, si super hoc requisiti interesse voluerint. Quod si non intersint, nec super hoc requisiti fuerint, nihil valeat Tentatio prædicta. Preterea volumus quod Villa Cantebrigiae a Fimis et Sordibus mundetur, et munda teneatur, et quod Aquæductus aperiantur, sicut antiquitus esse solebant, ac aperti custodiantur, ut

per eos Sordes effluere possint, nisi alia Necessitas aut Utilitas obstiterit. Et quod alia Obstacula Transitum impedientia amoveantur. Et præcipue ut magnum Fossatum Villæ Mundetur: ad quæ observanda ordinentur duo Burgenses ex legalioribus in quolibet Vico, jurati coram Majore et Ballivis, Cancellario et Magistris ad hoc requisitis, si venire voluerint. In Cujus Rei Testimonium has Literas nostras fieri fecimus Patentes. Teste meipso apud Westmonast. 20^o Die Febr. Anno Regni nostri 52^o.

4^o. Literæ Patentes Hen. 3^{ui}. in hæc Verba.

Rex omnibus Ballivis et Fidelibus suis Salutem. Quia Ballivi et Burgenses nostri Cantebrigiae non solum negligentes existunt, verum etiam impotentes ad Malefactorum Insolentias et alia Magistris et Scholaribus Universitatis ejusdem Villæ nociva modo debito reprimenda, per quod, sicut pro certo intelleximus, contingit, dictos Magistros et Scholares multoties impediri; ita quod Actus scholasticos in Quietè (Studentibus maximè necessaria) nequeunt exercere. Nos, dictorum Magistrorum et Scholarium Tranquillitati et Paci prospicere cupientes, Volumus et præcipimus, quod Vicecomites nostri Cantebrigiae, qui pro Tempore fuerint, quando Ballivi aut Burgenses prædicti negligentes aut impotentes inventi fuerint in Præmissis, hujus modi Malefactores ac Pacis nostræ dictæq. Universitatis Turbatores cum sufficienti posse Comitatus prædicti (si necesse fuerit) ab hujusmodi Præsumptionibus temerariis penitus desistere; et prædicta nociva reprimi faciant, cum ex Parte Universitatis prædictæ inde fuerint requisiti. Ita quod dicti Magistri et Scholares ibidem Studiis liberalibus applicati, sub Protectione manus nostræ, optatis liberius prospicere valeant Incrementis. In cuius Rei Testimonium has Literas nostras fieri fecimus Patentes. Teste meipso apud Westmonast. 20^o. Die Julii Anno Regni nostri 53^o.

De Perturbatoribus Pacis per Vicecomit. reprimendis.

*5^{to}. Compositio inter Scholares et Burgenses Cantebrigiae in
haec Verba.*

In Nomine Domini Amen. Cum inter Magistros et Scholares ac Burgenses Cantebrigiae et Communitatem ejusdem saepius fuisse Contentio exorta, cuius Occasione tam Clero quam Populo multa imminebant Pericula; tandem interveniente nobili Viro Domino Edvardo illustris Regis Angliae primogenito Anno Domini 1270, Mense Aprili, talis Forma pro Periculis imminentibus et futuris vitandis, et pro Pace in posterum observanda, fuit provisa; Videlicet, quod singulis Annis infra Quindennam a Tempore quo Magistri ibidec legentes suas Lectiones resumpserint, post Festum Sancti Michaelis eligantur de quolibet Comitatu Angliae quinq. Scholares de discretioribus ibidem commorantibus, et tres de Scotiâ, et duo de Walliâ, et tres de Hiberniâ, et decem Burgenses, scilicet septem de Urbe, et tres de Suburbio, qui Juramentum corporale præstabunt hinc inde tam Clerici quam Laici Vice omnium, quod Pacem et Studii Tranquillitatem observabunt, et ab aliis pro Posse observari curabunt; et consimile Sacramentum omnes alii Clerici et Laici dictis electis præstabunt, viz. quod bene et pacificè in Studio stabunt. Et Si aliqui mali vel rebelles Scholares seu Laici inveniantur, qui prius amoniti vel judicialiter conventi se corrigere noluerunt, ad ipsos capiendos (secundum quod decet Statum eorum et Ordinem clericalem) Burgenses juvabunt. Eligatur etiam in Forma prædictâ certi Magistri, qui Nomina omnium Principalium, et singularum Domuum scribant, et omnium in eisdem Domibus habitantium, qui similitèr eisdem jurabunt Principalibus specialiter jurantibus quod nullum Pacis Perturbatorem in suis Hospitiis scienter recipient. Et si postquam recepti fuerint, tales inveniantur, quod incontinenti Personis juratis et electis denunciabunt. Laici etiam Familiam et Inquilinos

Electi et jurati
ad Pacem, tam
Scholares quam
Laici.

Incorrigit
capiendi.

Magistri electi
ad Pacem.

in suis Domibus habentes consimile Sacramentum præstabant, et à sua Familia ac Inquilinis recipient. Quod si aliqui rebelles inveniantur tam per Clericos quam per Laicos in Formâ prædictâ, extra Universitatem seu Communitatem ejiciantur. Et Si tanta fuerit rebellium Multitudo, quod per Burgenses cum Cleri Auxilio ejici non possit, Domino Regi et suo Consilio denuncietur. Cœterū si contingat aliquos hujusmodi electorum Clericorum vel Laicorum dicto Termino abesse, habeant Potestatem alios Loco eorum subrogare. Ordinatum est etiam quod singulis Annis in Resumptione Magistrorum, prius stent electi tamen Clericorum quam Laicorum, vel quod alii de novo elegantur, omnibus et singulis Privilegiis dictæ Universitati prius per Dominum Regem vel Predecessores suos concessis, in suo Robore duraturis. Et ad præmissa omnia et singula fideliter observanda; Clerici Laicis, et Laici Clericis, Sacramento præstito corporali, se invicem obligarunt; et huic Scripto in Modum Chirographi confecto, commune Sigillum Universitatis Cantabrigiæ, et Sigillum commune Burgensium, unâ cum Sigillo Domini Regis apponj fecerunt.

Rebelles ejiciendi.

6^o. Literæ Patentes Hen. 3rd. in hæc Verba.

Rex omnibus ad quos præsentes Literæ pervenerint Salutem. Quia dilectis nobis in Christo Magistris et cæteris Scholaribus Universitatis Cantabrigiæ per Comites, Barones, Milites, et alios Torneamenta ibidem excentes, Aventuras Quærentes, et ad Arma euntes, frequentius solent Pericula et incomoda multipliciter evenire; quæ, si tollerarentur, in Dissidium ibidem Studentium per Processum Temporis cedere possint manifestè; quod sustinere nolumus, sicut nec debemus. Nos indemnitatē Magistrorum et Scholarium prædictorum volentes in hac Parte, quatenus fieri poterit providere, concessimus eis de Gratia nostrâ speciali, quod

Ne fiant Justæ
per quinq. Mil-
liaria Villæ
Cant. circum-
quaq.

CHARTERS, BULLS, &c.

Torneamenta aliqua, Aventuræ, Justæ, seu hujusmodi Hastiludia non fiant de cætero in Villâ prædictâ seu per quinq. Milliaria circumquaq. Et prohibemus sub gravem Forisfaturam nostram, ne quis de Regno nostro apud Villam prædictam, seu alibi infra prædicta quinq. Milliaria circumquaq. torneare, Justas facere, seu Aventuras, vel alia Hastiludia quærere præsumat contra Concessionem nostram prædictam. In Cujus Rei Testimonium has Literas fieri fecimus Patentes. Teste meipso apud Westm. 24°. Die Julii Anno Regni nostri 54°.

7°. Pars Chartæ Edv. 2^{di}. An. Reg. 10°. in hæc Verba.

—Præterea volentes eisdem Cancellario, Magistris, et Scholaribus Gratiam facere ubiorem, Concessimus eis pro nobis et Hæredibus nostris, et hac Charta nostra confirmamus, quod iidem Cancellarius Magistri et Scholares et Successores sui in perpetuum habeant infra prædictam Villam Cantebrigiae et Suburbia ejusdem Libertates subscriptas. Imprimis, quod cum præfatus Dominus Henricus Progenitor noster providisset et concessisset; quod nullus Regratarius emat Victualia in Villâ Cantebrigiae, vel extra versus Villam venientia, nec aliquid emat, ut iterum vendat ante Horam tertiam. Et quod, si fecerit, amercietur secundum Quantitatem et Qualitatem Delicti, sicut in Chartâ suâ superius est expressum. Volumus quod si aliquis Regratarius emat Victualia aliqua contra Tenorem Provisionis et Concessionis prædictarum, tunc, ultra Penam in eisdem Provisione et Concessione contentam, Rem sic emptam amittat. Præterea cum in Charta prædicti Progenitoris nostri contineatur, quod si Laicus inferat Clerico gravem vel enormem Lessionem, statim capiatur; et si magna sit Lessio incareretur in Villâ ipsâ, et ibi detineatur, quousq. Clerico rationabiliter fuerit satisfactum. Et si Clericus inferat gravem vel enormem Lessionem Laico, incareretur in Villâ prædictâ

Regratarii emp-
ta Victualia
forisfaciant.

quousq. Cancellarius Universitatis ipsum postulaverit. Volumus quodd si Laicus Clerico vel Clericus Laico levem Transgressionem inferat, illud idem in omnibus observetur. Et quod si forte Cancellarius Universitatis prædictæ, qui pro Tempore fuerit, credat vel verisimilitè conjecturet, quodd sic incarcerandi indebet custodianter, tunc Custodes illorum incarceratorum ad Petitionem ejusdem Cancellarii vel alicujus Magistri per ipsum Cancellarium ad hoc deputandi, ipsum Cancellarium seu Magistrum prædictum dictos incarceratos et Modum Custodiæ eorundem supervidere permittant quoties necesse fuerit, et Cancellario visum fuerit expedire; et Defectus vel Excessus (si quem in dictâ Custodiâ inveniri contigerit) ad Denuntiationem Cancellarii corrigitur. Et Insuper quodd Clerici laicum Fœdum habentes et Cantebrigiae studentes, quamdiu Studiis ibidem inhæreant, et sub Habitu clericali in suo Studio laudabilitè proficiant, non ponantur in Assisis, Juratis, seu Recognitionibus aliquibus. Et Etiam, quodd si Scholaris dictæ Universitatis in eadem Villâ vel Suburbio ejusdem interficiatur; vel Scholari ejusdem Universitatis gravis vel enormis Lessio ibidem inferatur; et Ballivi Villæ prædictæ negligentes fuerint in faciendo vel exequendo ea, quæ ad Officium suum in hujusmodi pertinent, propter quod iudicem Ballivi et Communitas Villæ prædictæ amerciari debeant et puniri, dicta Communitas per se, et prædicti Ballivi per se amercentur et puniantur. Et Similitè quotiescunq. et quandocunq. Major et Ballivi Cantebrigiae Sacramentum Fidelitatis suæ præstabunt in Loco suo Communi, quod Communitas ejusdem Villæ præmoneat Cancellarium ut per se vel per alias certas Personas Præstationi Juramenti prædicti certo Die faciendi si voluerit intersit; quod quidein Juramentum tale erit, quo ad Scholarès prædictos, videlicet, quod ipsi Major et Ballivi Libertates et Consuetudines Universitatis prædictæ quo ad Conservationem Pacis nostræ, et Assise Panis et Cervisiae et Victualium pro Viribus conservabunt, et quodd alias Libertates et Consuetudines ejusdem Universitatis debitas quate-

De Clericis et
Laicis vim in-
ferentibus.

Cancellarius
incarceratos su-
pervideat.

Clerici non pe-
nantur in As-
sisis.

De Juramento
Majoris et Bal-
livorum.

nùs sibi de eisdem constiterit indebité seu malitiòse non impugnabunt, alioquì non valeat Juramentum ipsorum, sed iterùm præstetur secundum Formam præscriptam. Si vero dictus Cancellarius sic præmonitus per se vel per Procuratorem interesse noluerit, ad hujusmodi Juramentum nihilominus procedatur. Et quod, si aliquis Burgensis aliquem de Familiâ suâ, qui gravem seu enormem Transgressionem Scholari vel suis intulerit, post Transgressionem commissam scientè receptaverit, et ipsum absconditum tenuerit, quo minus inveniri valeat, prout justum fuerit, castigandus, respondeat Burgensis pro hujusmodi Familiari suo, et nihilominus erga nos graviter puniatur. Item, cum in Chartâ prædicti Progenitoris nostri superiùs expressa contineatur, quòd, quotiescunq. debeat fieri Tentatio Panis et Cervisiæ, intersit Cancellarius prædictæ Universitatis, vel aliqui ex Parte suâ ad hoc deputati, si super hoc requisiti interesse voluerint, quod si non intersint, nec super hoc requisiti fuerint, nihil valeat Tentatio prædicta. Volumus, quod cum ex nunc hujusmodi Tentatio a prædictis Burgensibus fieri debeat, præcedenti Die secreto denuntietur Cancellario, vel ejus Locum tenenti vel per se vel per aliquos ad hoc deputandos intersit, si voluerit, Tentationi prædictæ, sicut prædictum est; et quòd illi quos sic ad hoc per Cancellarium contigerit deputari coram eodem Cancellario in Præsentia sic præmonentium si interesse voluerint Juramentum præstent, quòd Præmonitionem seu Tentationem hujusmodi, ante Tentationem illam factam, nulli quomodolibet revelabunt; et Ulterius in eodem Negotio quatenus ad eos attinet, bene et fideliter se habebunt. His Testibus, &c. Dat. per Manum nostram apud Claryndon 14º. Die Feb. Anno Regni nostri 10º.

Nemo abscondet transgres-
sorem in Scho-
lares.

Tentatio Panis
et Cervisiæ.

The Order of Edw. III. commanding the Friars to renounce and suspend the Execution of all Papal Bulls.

ET issint mesme le lendemain les Universiteez de Oxen-
ford & Cantebrigg, & les Freres de quadre ordres Mendicantz compleinantz par lour Peticions mis devant le Roy en Parlement, sur diverses outrages, debatz, damages & Meschiefs faitz & attemptez d'un part & d'autre, les Chancellers & Procurours des ditz Universiteez, & les Provinciales & Ministres des ditz Ordres adonques presentz, & soi submittantz de tout en l'Ordinance du Roi; Estoit assentu & ordene par le Roi de l'Assent des Prelatz, Ducs, Countes & Barons, sur les ditz debatz, damages, outrages & Meschiefs de tout ouster & adnoller en manere desouth escrive. Nostre Seignur le Roi en ce Parlement eue Deliberacion plein & avys oue les Prelatz, Grantz, & Sages de son Conseil, sur diverses grevances, outrages, controverses & debatz mevez perentre les Universiteez de Oxenford & Cantebrigg d'un part, & les quadre Ordres de Freres Mendicantz d'autre part: & monstrez a lui per lour Peticions en mesme Parlement sur pluseurs Pointz de Privileges & Immunitez clamez d'un part & d'autre, en presence des Chancelliers & Procurours des ditz Universiteez, eantz plein pouir de ditz Universiteez, & des Provinciales & Ministres de ditz Ordres, eantz plein pouir de ditz Ordres, & eux submittantz de lour bon gree en haut & bas, & sanz ascun retenu ou Reservacion al Ordinance nostre dit Seignur le Roi, des pointz de grevances, controverses & debatz, mues entre eux celle partie

Parl. 40. Ed. 3.
Num. 9, 10, 11.

CHARTERS, BULLS, &c.

de l'assent des ditz Prelatz, Nobles, Grantz & Sages, en mesme le Parlement, pur aise, quiete & tranquillite des ditz Universiteez, & des Estudientz en ycelles, ad ordeine, voet & commande, que les Chancellers des ditz Universiteez, Maistres, Regentz & Non-regentz, & toutz autres des ditz Universiteez, les Freres des ditz Ordres illeoques demurrantz & a demurrer, tretent & amenent en graces & toutes autres choses que touchent fait descoler, & les Freres ensement ce cien & contienent devers les Universiteez & chescune personne d'ycele honestement, saunz rumour, & amiablement en toutes choses, solone ce & en manere come soloient & fesoient devant l'Estatut fait nadgairs en les ditz Universiteez conteinent, que nul des ditz Ordres recevroit en lour ditz Ordres Escolers de les ditz Universiteez deinz l'age de 18 anns, quele Estatut le Roi voet que soit oustez & tenu pur nul. Et que nul novel Estatut sembleable, ou Ordinance soit fait en mesmes les Universiteez qui soit prejudiciele as avantditz Freres saunz bon & mature delibera-
cion. Et aussi voet le Roi, que l'Execucion de touz les Impetracions des Bulles & Proces, faitz ou pursuite ou affaire ou pursuer en temps avenir en la Court de Rome, & aillours par les Freres des ditz Ordres, ou nul personne singulere de ycelles en general ou especial, contre la dite Universitie, ou ascune personne d'ycelle, puis la fefance du dit Estatut, cesse de tout, & soit mys a neant. Et ense-
ment, que mesmes les Freres renoncien de fait & parole a tout avantage que prendre peussent per vertu de touz tieux impetracions faitz per eux ou nul de eux contre les ditz Universiteez, ou ascune personne d'ycelles, en general ou especial, & proces si nul soit commence ou fait, celle partie sur mesmes les Impetracions puis la dite Ordinance de l'Estatut fait per les ditz Universiteez, enceas de tout cessent & perdent force & vigour.

8^o. Pars Chartæ Edv. 3^{ui}. An. Reg. 1^o. in hæc Verba.

—Præterea cum in Chartis prædictis [Hen. 3^{ui}. et Edv. 2^{ui}.] contineatur, quod, si Laicus Clerico vel Clericus Laico Lessionem inferat, statim capiatur, et non sit Mentio in iisdem per quem capi debet; Nos hujusmodi Dubium declarare volentes, volumus et concedimus pro nobis et Hæredibus nostris, quod Major et Ballivi Villæ prædictæ omnes Transgressores, coram Cancellario vel ejus Vices gerente de hujusmodi Lessionibus convictos, et ea Occasione Prisonæ adjudicatos, ad Denuntiationem ejusdem Cancellarii vel ejus Vices gerentis recipient; et si necesse fuerit assumpto ad hoc posse Villæ prædictæ capi et ad Prisonam duci et ibidem custodiri faciant, quousq. deliberentur juxta Tenorem Chartarum prædictarum. Insuper, cum in Charta prædicti Hen. Progenitoris nostri contineatur, quod Pistores et Braciatores Cantebrigiae in primo Transgressu suo amercentur, in secundo Panem amittant vel Cervisiam, in tertio Transgressu habeant Judicium de Pilorio vel Tumberello; et Major et Ballivi Villæ prædictæ Punitiones prædictas Modo debito hactenùs non fecerint; sed Redemptiones tam pro secundo et tertio Transgressu, quam pro primo receperint; propter quod assisa prædicta in prædicta Villâ minùs benè observatur, ut accepimus. Nos pro Punitione hujusmodi Transgressorum volentes Remedium contra hoc apponere, prout decet, Volumus et concedimus pro nobis et Hæredibus nostris, quod Cancellarius Universitatis prædictæ, qui pro Tempore fuerit, vel ejus Vices gerens ad hoc juxta Formam Chartæ prædictæ præmunitus, seu aliquis Magister per ipsum Cancellarium vel ejus Vices gerentem ad hoc specialiter deputatus quotiens Tentatio seu Assaia in Villâ prædicta de Pane et Cervisia fieri debet, intersit una cum Majore et Ballivis

Transgressores
convicti capi-
antur per Ma-
jorem et Balli-
vos.

**Transgressores
contra Assisam
Panis et Cer-
visie.**

Villæ prædictæ Tentationi et Assaiæ faciendas, et supervideant quod Transgressores Assisæ prædictæ amercentur et puniantur secundum Formam Chartæ prædictæ. Et Volumus, et præcipimus quod Nomina omnium hujusmodi Transgressoruin eidem Cancellario vel ejus Vices gerenti aut Deputato vel eorum altero per prædictos Majorem et Ballivos in singulis Tentationibus et Assauis hujusmodi per Indenturam liberentur, ita quod eis constare possit, quod prædictæ Punitioes debito Modo fiant. His Testibus, &c. Dat. per Manum nostram apud Nottingham 22º. Die Octobris. Anno Regni nostri 1º.

9º. Literæ Patentes Edo. 3º. in hæc Verba.

**De Cognitione
Placitorum, et
Imprisonamen-
to Scholarium,**

**Quod Causæ
Studentium
decidantur co-
ram Cancella-
ria, vel Com-
missario.**

Rex omnibus ad quos præsentes Literæ pervenerint Salutem. Sciatis quod ad Fructus uberes, quos dilecta nobis Universitas Cantabrigiæ, Mater et Propagatrix Studentium peritorum, in Ecclesiâ Dei suâ Fæcunditate produxit, et etiam ad Locum bonum quem fructuosi Palmites ex ipsius Universitatis Gremio prodeuntes nobis et Progenitoribus nostris in Consiliis et agendis aliis tenuerunt, et tenere poterunt in futuro, dignæ Considerationis Intuitu dirigentes; et pensantes quod Studentes ibidem tanto libenter et avidius proficere poterunt in Studio, quantò magis a Laicorum et aliorum Inquietudine liberi fuerint et quieti; volentesq. Consideratione præmissâ dictam Universitatem Favoribus prosequi gratiosis, Volumus et concedimus pro nobis et Hæredibus nostris Cancellario, Magistris, et Scholaribus Universitatis prædictæ et Successoribus suis, quod in Causis Clericorum ejusdem Universitatis ex mutuis datis et receptis, ac Taxationibus et Locationibus Domorum, Equis conductis, venditis, seu commodatis, ac Panois et Victualibus mutuum habentibus, et aliis quibuslibet Rerum mobilium Contractibus, in Villa Cantabrigiæ seu Suburbiis ejusdem Ortum habentibus, Prohibitio nostra vel Hæredum nostrorum de

cætero aliquibus futuris Temporibus non currat, nec Locum
 habeat; sed Causæ hujusmodi coram Cancellario Universita-
 tis prædictæ, qui pro Tempore fuerit, vel ejus Commissario,
 vel ejus Locum tenente, non obstantibus hujusmodi Prohi-
 bitionibus regiis perpetuo deciduntur. Volumus et concedimus pro nobis et Hæredibus nostris, quod quilibet
Burgensis dictæ Villæ pro Familiâ suâ et Servientibus suis
 respondeat in Emptionibus et Venditionibus Vini et aliorum
 Victualium quorumcunq. ipsorum Burgensium, tam in Su-
 burbiis quam in Villa prædictis Venditioni expositorum, ubi
 Scholaris est una Partium, ipsis Burgensibus, de Excessibus
 et Injuriis per Familiam vel Servientes suos in hujusmodi
 Emptionibus vel Venditionibus factis per præfatum Cancel-
 larium, vel ejus Vicesgerentem seinel vel bis si opus fuerit,
 debitè præmunitis; Et quod dictus Cancellarius vel ejus
 Commissarius aut Locum tenens qui pro Tempore fuerit
 Cognitionem de hujusmodi Excessibus et Injuriis in Emptio-
 nibus et Venditionibus prædictis, ubi Scholaris est una
 Pars, ut prædicitur, habeat; et Delinquentes in hac Parte
 puniri faciat, prout decet. Insuper, cum Cancellarius Uni-
 versitatis prædictæ pro Quietè ejusdem Universitatis, et
 Conservatione Pacis nostræ ibidem, ac Malesactorum Male-
 ficiis refrænandis, Clericos in eadem Universitate delin-
 quentes tam pro Suspicionibus et aliis Causis diversis pra-
 majoribus Damnis et Periculis evitandis, quam pro Delictis
 suis investigari, et capi facere, sæpius et diversimodè oport-
 eat, et Committere Custodiæ carcerali; et idem Cancella-
 riis metuat se ad Prosecutionem hujusmodi imprisonatorum
 de Imprisonamentis illis posse in posterum prægravari; et
 nobis sit supplicatum ut Indemnitati Cancellarii dictæ Uni-
 versitatis velimus prospicere in hac Parte. Nos desideran-
 tes, quod Pax nostra ubiq. inviolabilitè observetur; et De-
 linquentes in eadem Universitate ad majorem Quietem et
 Tranquillitatem ejusdem debitè castigentur: ac volentes
 Cancellarii Universitatis prædictæ pro Tempore existentis
 Securitati in Præmissis providere, Volumus et concedimus

Quod Burgen-
ses præmuni-
pro Servienti-
bus suis respon-
deant.

Causæ de emp-
tis Victualibus,
ubi altera Pars
est Scholaris,
coram Cancel-
larii vel. Commis-
sarii deciduntur.

Quod Cancellar. vel Commissar. de Imprisonamento Scholarium non molestetur.

pro nobis et Hæredibus nostris, quantum in nobis est, quod Cancellarii ejusdem Universitatis qui hactenùs fuerunt, vel ex nunc erunt, aut eorum Commissarii vel Loca tenentes Occasione Imprisonamentorum Scholarium dictæ Universitatis seu aliorum per ipsos Cancellarios pro Conservatione Pacis et Quietæ Universitatis prædictæ, ac Punitio et Castigatione Malefactorum hujusmodi ibidem hactenus Imprisonatorum, seu ex nunc imprisonandorum, illorum vide-licet qui in eâdem Universitate in Villâ et Suburbiis prædictis Scholaribus seu eorum Servientibus aut aliis de Jurisdictione Universitatis prædictæ Delinquentes inventi, seu de Maleficiis ibidem perpetratis notorie suspecti vel convicti fuerint, per Brevia nostra vel Hæredum nostrorum de audiendo et terminando vel de falso Imprisonamento, seu quovis alio Colore in Curiis nostris vel Hæredum nostrorum, sive aliis aut alibi nullatenùs Occasionentur, inquietentur, molestentur in aliquo, seu graventur. In cuius Rei Testimonium has Literas nostras fieri fecimus Patentes. Teste Meipso apud Westmonast. 19^o Die Septem^b. Anno Reg. nostri Ang. 17^o. Fran. vero 4^o.

10^o. Literæ Patentes Edv. 3^{ti}. in hæc Verba.

**De publicis
Mulieribus.**

Rex omnibus ad quos præsentes Literæ pervenerint Salutem. Dignum esse censemus, et gratum altissimo non immerito reputamus Quieti et Honestati Scholarium taliter providere, ut ipsi subtractis quibuscunq. Occasionibus ex quibus vagandi Materiam valeant assumere, vel aliter delinquenti, studiis et scholasticis Disciplinis intendant assiduè, sicut decet. Considerantes itaq. quodd per Mulieres publicas (si in Villâ Cantebrigiæ vel Suburbio ejusdem Moram trahere sinerentur) Damna et Pericula quam plurima multoties evenire, et Juvenes ibidem studentes, juvenili Lasciviâ stimulante, per Mulieres hujusmodi decipi poterunt de facii et fraudari, Studium deserendo, proprijsq. Voluptatibus adhæ-

rendo; Concessimus, quod nulla publica Mulier infra dictam Villam Cantebrigiæ vel Suburbium ejusdem conversetur seu moretur. Et quod super hoc ad Denuntiationem Cancellarii Universitatis Cantebrigiæ vel ejus Vices gerentis quædam Proclamatio seu Inhibitio ex Parte nostra per Majorem et Ballivos dictæ Villæ quatèr in Anno vel Pluries, si necesse fuerit, fiat in eadem Villâ. Et Si aliquæ hujusmodi Mulieres ultra tres Dies post Proclamationem seu Inhibitionem hujusmodi in Villâ prædictâ vel Suburbio ejusdem inveniantur conversantes, tunc ad Denuntiationem dicti Cancellarii vel ejus Vices gerentis per Majorem et Ballivos villæ prædictæ, qui pro Tempore fuerint, capiantur, et in Prisonâ nostrâ villæ illius imprisonentur, quousq. per ipsum Cancellarium vel ejus Vices gerentem inde fuerint deliberatæ. In Cujus Rei Testimonium has Literas nostras fieri fecimus Patentes. Teste Meipso apud Nottingham 23º Die Octob. An. Reg. nostri 1º.

Mulieres publicæ in Villâ Cant. diutius commorantes, imprisonandas.

11º. Literæ Patentæ Edv. 3º. in hæc Verba.

Rex omnibus ad quos præsentes Literæ pervenerint Salutem. Supplicaverunt nobis dilecti nobis in Christo Cancellarius et Scholares Universitatis Cantebrigiæ per Petitionem suam coram nobis et Consilio nostro in Parliamento nostro exhibitam; quòd, cum per Chartas Progenitorum nostrorum quondam Regum Angliæ, pro Pace, Tranquillitate, et Utilitate Universitatis prædictæ, provisum sit et concessum; quòd Major et Ballivi dictæ Villæ Cantebrigiæ, et duo Aldermanni, quatuor Burgenses de Majoribus ejusdem Villæ, et duo Burgenses de qualibet Perochiâ, ad Pacem Universitatis et Villæ prædictarum conservandam et manutendam, quolibet Anno Juramenta præstent corporalia; ac iudicem Major et Ballivi, Aldermanni, et Burgenses in Conservatione et Manutenentiâ Pacis prædictæ (pro eo quod ipsi hujusmodi Juramenta ante hæc Tempora minimè vel raro

De Juramento Majoris, Aldermannorum, et Ballivorum.

fecerunt) negligentes fuerant et remissi, Velimus pro Utilitate, tranquillitate, et Quietè Universitatis prædictæ concedere, quod Major, Ballivi, Aldermanni et Burgenses Villæ prædictæ qui pro Tempore fuerint, ad Pacem Universitatis et Villæ prædictarum electi, hujusmodi Juramenta coram Cancellario Universitatis prædictæ vel ejus Locum tenente quolibet anno facere teneantur. Nos considerantes dictam Supplicationem tam in Scholarium Universitatis prædictæ, quam omnium aliorum in eadem Villâ degentium, et ad eam confluentium, Utilitatem communem cedere manifestè; volentesq. eâ Consideratione dictæ Supplicationi condescendere gratiösè, Cancellario Universitatis prædictæ, qui pro Tempore fuerit, vel ejus Locum tenenti, recipiendi Nomine nostro singulis Annis Juramenta ipsorum Majoris, Ballivorum, Aldermannorum, et Burgensium, ad Pacem Universitatis et Villæ prædictarum conservandam et manutenendam Tenore præsentium plenam committimus Potestatem. Volentes et concedentes quod iidem Major, Ballivi, Aldermanni, et Burgenses hujusmodi Juramenta coram præfato Cancellario vel ejus Locum tenente de cætero faciant. Et Quod omnes alii Articuli in Chartis dictorum Progenitorum nostrorum Conservationem Pacis Universitatis et Villæ prædictarum contingentes pleniùs observentur. In Cujus Rei Testimonium has Literas nostras fieri fecimus Patentes. Teste meipso Apud Westm. 20º. Die Martii An. Reg. nostri 10º.

Juramentum
comm Cancel-
larii præstandum.

12º. *Literæ Patentes Edv. 3º. in hac Verba.*

De Tentatione
Panis et Cervi-
siae.

Rex omnibus ad quos præsentes Literæ pervenerint Salutem. Supplicaverunt nobis dilecti nobis in Christo Cancellarius et Scholares Universitatis Cantabrigiæ per Petitionem suam coram nobis et Consilio nostro in Parlimendo exhibitam, quod cum per Chartas Progenitorum nostrorum quondam Regum Anglie concessum sit; quod Tentatio Panis et Cervisiae in Villâ predictâ per Majorem et Bellivos

Villæ prædictæ fiat; Et quod Cancellarius prædictæ Universitatis vel aliqui ex Parte suâ ad hoc deputati intersint; Ac iudicem Major et Ballivi in Tentatione seu Assaiam hujusmodi Panis et Cervisiæ negligentes ante hæc Tempora fuerint; et hujusmodi Tentationem seu Assaiam quoties opus fuerit facere non curaverint, Velimus pro Utilitate et Tranquillitate Universitatis prædictæ concedere, quod Major et Ballivi Villæ prædictæ, qui pro Tempore fuerint, hujusmodi Tentationem vel Assaiam Panis et Cervisiæ in Villâ prædictâ quoties per Cancellarium Universitatis prædictæ vel ejus Locum tenentem fuerint requisiti de cætero facere teneantur; Nos considerantes dictam Supplicationem tam in Scholarium Universitatis prædictæ, quam omnium aliorum in eadem Villâ degentium, et ad eam confluentium Utilitatem communem cedere manifestè; volentesq. eâ Consideratione dictæ Supplicationi condescendere gratiosè. Volumus et concedimus pro nobis et Hæredibus nostris quod Major et Ballivi Villæ prædictæ, qui pro Tempore fuerint, Tentationem seu Assaiam Panis et Cervisiæ in Villa prædictâ, quoties per Cancellarium Universitatis prædictæ qui pro Tempore fuerit vel ejus Locum tenentem fuerint requisiti de cætero faciant; Et quod omnes alii Articuli in Chartis dictorum Progenitorum nostrorum hujusmodi Tentationem vel Assaiam Panis et Cervisiæ in Villa prædictâ contingentes, pleniùs observentur. In Cujus Rei Testimonium has Literas nostras fieri fecimus Patentes. Teste Meipso apud Westm. 20°. Die Martij Anno Regni nostri 10°.

Tentatio Panis
et Cervisiæ ad
Requisitionem.
Cancel. facien-
da.

13°. *Literæ Patentæ Edv. 3^{ti}. in hæc Verba.*

Rex omnibus ad quos præsentes Literæ pervenerint Salutem. Constat nobis per Inspectionem Rotulorum Cancelleriae nostræ, quod nos nuper Breve nostrum clausum fieri fecimus in hæc Verba.

Exemplificatio
Literar. de sal-
vâ Custodiâ in-
carceratorum.

“ Edvardus Dei Gratiâ Rex Angliæ, Dominus Hibernie,

" et Dux Aquitaniæ Majori et Ballivis Villæ Cantebrigiæ
 " Salutem." Cum inter cæteras Libertates dilectis nobis in
 Christo Cancellario et Scholaribus Universitatis Cantebrigiæ
 per Chartas Progenitorum nostrorum quondam Regum
 Angliæ (quas per Chartam nostram confirmavimus) con-
 cessas, concessum sit iisdem, quod cum aliquis Clericus
 de Universitate prædictâ (Maleficiis potius se immiscens
 quam Studio vacans) a prædicta Universitate fuerit de Mal-
 itiâ notatus, ita quod Carceri sit mancipandus, quod Male-
 factor prædictus ad Mandatum Cancellarii Universitatis
 prædictæ capiatur et Carceri mancipetur, et in eo salvò
 custodiatur, donec a Cancellario prædicto petatur, quod
 a Carcere liberetur. Et quod si Laicus inferat Clerico
 gravem vel enormem Lessionem statim capiatur, et si
 magna sit Lessio incarceretur in Villâ ipsâ, et ibidem
 detineatur, quousq. Clerico rationabiliter fuerit satisfactum,
 prout in Chartâ et Confirmatione prædictis pleniùs con-
 tinetur. Ac Jam ex Parte eorundem Cancellarii et Schola-
 rium nobis sit ostenum, quod quidam, Libertates ipsorum
 Cancellarii et Scholarium prædictas enervare Machinantes,
 diversa Brevia nostra de diversis Clericis et Laicis, pro
 hujusmodi Maleficiis et Transgressionibus in eadem Villâ
 perpetratis, ad Mandatum Cancellarii prædicti captis et im-
 prisonatis, replegiandis, Vicecomiti nostro Cantebrigiæ ante
 hæc Tempora tulerunt, et indiès deferre non desistunt.
 Quodq. vos, Prætextu Returni hujusmodi Brevium nostro-
 rum vobis per Vicecomitem nostrum prædictum facti seu
 directi, hujusmodi Clericos et Laicos, in Prisonâ nostrâ et
 in Custodiâ vestrâ de Mandato Cancellarii Universitatis præ-
 dictæ existentes, ab hujusmodi Prisonâ deliberari fecistis, et
 indiès deliberare non desistitis, in ipsorum Cancellarii et
 Scholarium Dispendum non modicum et Libertatum sua-
 rum prædictarum Enervationem manifestam; super quo
 iidem Cancellarius et Scholares per Petitionem suam coram
 nobis et Consilio nostro in Parliamento nostro exhibitam
 nobis supplicaverunt sibi per nos Remedium adhiberi;

Nos Considerantes dictas Libertates ipsorum Cancellarii et Scholarium pro Pace et Tranquillitate et Utilitate Universitatis prædictæ per Progenitores nostros concessas, et per nos confirmatas, per hujusmodi Machinationes callidas, si hujusmodi Malefactores et Transgressores ac Pacis Universitatis prædictæ Violatores pro Maleficiis suis incarceratedi per hujusmodi Brevia nostra deliberentur, totaliter posse enervari; volentesq. tam pro Pacis nostræ Conservatione, quam pro Cancellarii et Scholarium prædictorum Tranquillitate et Quietè hujusmodi machinationibus obviare, et Libertates prædictas manuteneret, ut tenemur; Vobis mandamus, firmiter injungentes, quod aliquos hujusmodi Malefactores seu Transgressores per Cancellarium Universitatis prædictæ seu ejus Locum tenentem Prisonæ adjudicatos seu mancipatos, et in Custodiâ vestrâ existentes per hujusmodi Brevia, seu Returna eorundem ab hujusmodi Prisone de cætero nullatenus deliberetis, seu deliberari permittatis; Scientes quod si secus feceritis, ad vos tanquam ad Mandatorum nostrorum Contemptores, et prædictorum Malefactorum et Transgressorum Manutentores et Fautores graviter Capiemus. Teste Meipso apud Westm. 20°. Die Martii Anno Regni nostri 10°.

Nos autem Tenorem Brevis nostri prædicti ad Requisitionem Cancellarii et Scholarium Universitatis prædictæ Tenore præsentium duximus exemplificandum. In Cujus Rei Testimonium has Literas nostras fieri fecimus Patentes. Teste Meipso apud Westmonasterium 28°. Die Februarii Anno Regni nostri Angliæ 18°. Regni vero nostri Franciæ 5°.

Hactenus Chartæ Rich. 2nd.

An. Reg. sui 2^{do}.

Clerici per Cancellar. imprisonati, per Brevia Regis non deliberandi.

From Hare, vol. 1. f. 171.

Charta Rich. 2^{di}. Anno Regni sui 5^{to}.

De Assisa Pa-
nis, Vini, et
Cervisiae, et
Correctione
Mensurarum
et Ponderum.

RICHARDUS Dei Gratiâ Rex Angliæ et Franciæ et Dominus Hiberniæ, Archiepiscopis, Episcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Præpositis, Ballivis, Ministris et aliis Fidelibus suis Salutem. Ad Regni cujuslibet justum Regimen, nominis Exaltationem et Honorem ac stabile Fulcimentum, Studium et Exercitium Artium liberalium inibi existunt summè necessaria et quamplurimùm opportuna; Quodlibet namq. Regnum ubi hujusmodi vigent Studium et Exercitium rectius regitur in prosperis, et salubriùs dirigitur in dubiis et adversis: Et ubi excrescit abundantiùs Copia Clericorum, ibi, juxta Antiquorum Assertiones, (quas veras reputamus) constat venerabilem Militiæ Ordinem vigere. Sanè nos ad præmissa sollicitam debitamq. Considerationem impendentes, volentesq. pro Incremento et Perfectione hujusmodi Studii in venerabili Universitate nostrâ Cantabrigiæ, ex quâ Viri magnæ Literaturæ et Scientiæ laudabiles et conspicui ad Regni nostri tñm Commodum quām Honorem sæpiùs processerunt, et favente Domino procedent in eventu; Et ut Magistri et Scholares ejusdem Universitatis, sedatis Litibus et Debatis, quæ inter ipsos et Laicos dictæ Villæ ex Caristiâ Victualium et Abusu Mensurarum et Ponderum ac aliis viis et Modis quampluribus fuerant diversimodè suscitatae, Studiis et Exercitio liberalium Artium prædictarum successivis Temporibus se gaudeant eò vigilantiùs dedicare, quo se Successoresq. suos fore noverint per nos Libertatibus et Privilegiis communitos, de regali Munificentiâ providere, de Assensu Prælatorum, Procerum, et Magnatum Regni nostri Angliæ in præsenti

Parliamento existentium, Ordinavimus et concedimus pro nobis et Hæredibus nostris, et hac Chartâ nostra confirmamus, quod Cancellarius Universitatis Cantabrigiæ et Successores sui et eorum Vicesgerentes soli et in Solidum in perpetuum in Villâ Cantabrigiæ et Suburiis ejusdem habebant Custodiam Assise Panis, Vini et Cervisiae, ac Correctionem et Punctionem ejusdem cum Finibus, Amerciamentis, et Proficuis aliis inde provenientibus: Ac Etiam Custodiam Assise et Assaiæ, ac Supervisum Mensurarum et Ponderum in dictâ Villâ Cantabrigiæ et Suburiis ejusdem: Ita quod quiscunq. Cancellarius dictæ Universitatis qui pro Tempore fuerit ibidem vel ejus Vices gerens, quotiè opus fuerit, dicta Mensuras et Pondera supervideat, et ea quæ falsa invenerit comburi et destrui faciat, et alia legalia et justa deputet et consignari faciat; nec non Transgressores, quos in hac Parte invenerit debitè puniat et castiget. Et quod prædicti Cancellarius et Successores sui vel eorum Vices gerentes in perpetuum soli et in solidum habeant potestatem inquirendi et cognoscendi de Forstallatoribus et Regratariis, et de Carnibus et Piscibus tam putridis, vitiosis, et alijs incomptentibus in dictâ Villâ Cantabrigiæ et Suburbis ejusdem quam aliis, et super his Punctionem debitam faciendi, ac Gubernationem, Correctionem et Punctionem præmissorum, et aliorum Victualium quorumcunq. simul cum omnibus Finibus, Forisfacturis, Amerciamentis et aliis Proficuis inde provenientibus, Reddendo nobis et Hæredibus nostris annuatim Decem Libras ad Saccarium nostrum ad Terminos Paschæ et Sancti Michaelis per equalcs Portiones in perpetuum. Ita quod præfatus Cancellarius dicti Successores sui, et eorum Vices gerentes Assisam, Assaiam, Supervisum, Correctionem, Punctionem, Castigationem, Potestatem, ac Gubernationem prædictos adeo liberè et plenariè habeant, et eodem modo et ubiq. faciant et exerceant in perpetuum, prout Major, Ballivi, Aldermanni et Burgenses villæ prædictæ hujusmodi Assisam, Assaiam, Supervisum, Correctionem, Punctionem, Castigationem, Potestatem et Guberna-

Assisa Panis,
Viui, et Cervi-
siæ cum Amer-
ciamentis.

Supervisus
Mensurarum et
Ponderum.

Falsa Pondera
et Mensurae
comburenda.

De Forstallato-
ribus et Regra-
tariis.

De Carnibus et
Piscibus vitio-
sis, cæterisq.
Victualibus.

Decem Libras
Regi annuatim
solvendas.

tionem ante hæc Tempora melius et liberiùs facere et exercere consueverunt. Quare volumus et firmitèr præcipimus pro nobis et Hæredibus nostris, quòd præfati Cancellarius et Successores sui ac eorum Vices gerentes soli et in Solidum, in Villâ prædictâ et Suburbiis ejusdem, habeant, faciant, et exerceant hujusmodi Assisam, Assiam, Supervisum, Correctionem, Punctionem, Castigationem, Potestatem et Gubernationem simul cum Finibus, Forisfacturis, Americamentis, et aliis proficuis prædictis, reddendo nobis et Hæredibus nostris decem Libras ad Saccarium nostrum ad Terminos prædictos per æquales Portiones in perpetuum, sicut prædictum est. Et Licet Major, Ballivi, et Aldermanni seu alii Homines dictæ Villæ et Suburbiorum ejusdem de præmissis seu aliquo præmissorum de cætero se non debeant intromittere, Volumus tamen et mandamus, quod in præmissis omnibus et singulis faciendis Cancellario dictæ Universitatis qui pro Tempore fuerit, vel ejus vices gerenti vel Commissario auxilientur, pareant humilitèr, et intendant, prout decet. His Testibus, &c. Datum per Manum nostram apud Westm. 17^o. Die Feb. Anno Regni nostri 5^o.

Quod Major et
Ballivi intendant
Cancellario
super hac Re.

From Hare, vol. 1. f. 210.

Literæ Patentes Rich. 2^{di}. An. Reg. 6^{to}.

De falsis Men-
suris et Ponde-
ribus in Nundi-
nis de Stere-
brigge.

Rex Cancellario Universitatis Cantebrigiæ vel ejus Vices gerenti Salutem. Cum per Chartam nostram inter alias Libertates vobis concessas, concesserimus, quòd Cancellarius Universitatis prædictæ, et Successores sui, ac eorum Vicesgerentes soli et in Solidum in perpetuum habeant Custodiam Assisæ et Assaiæ ac supervisum Mensurarum et Ponderum in Villa Cantebrigiæ et Suburbiis ejusdem, ac eodem modo ubiq. et adeo liberè et plenariè prout Major et Ballivi, Aldermanni et Burgenses Villæ prædictæ hujusmodi

Assisam, Assiam, et Supervisum habere consueverunt, Ita quod quisq. Cancellarius ibidem pro Tempore existens vel ejus Vices gerens quoties Opus fuerit dicta Mensuras et Pondera supervideat et quæ falsa invenerit comburi et destrui faciat, et alia legalia et justa deputet et consignari faciat; necnon Transgressores, quos in hac Parte invenerit, debite puniat et Castiget, prout in eadem Chartâ pleniùs continetur. Jamq. ad nostrum pervenerit Intellectum, quod quamplurima falsa Mensuræ et Pondera sacerpiùs ante hæc Tempora in Villâ et Suburbiis prædictis, et maximè Tempore cuiusdam Feriæ apud Steresbrigge in Suburbio Villæ prædictæ tentæ annuatim frequentari et usitari solebant in Deceptionem Populi nostri ad Villam et Feriam confluentis; Nos pro Bono publico et pro Hujusmodi Deceptione ibidem de cætero penitus adnullandâ volentes, Remedio quo convenit, providere; vobis districtè injungimus et mandamus, quod Mensuras et Pondera in Villâ et Suburbiis prædictis, et maximè Tempore Feriæ prædictæ, frequentata, eodem Modo et ubiq. prout Major, Ballivi, Aldermanni et Burgenses prædicti ante hæc Tempora consueverunt, de Tempore in Tempus supervideatis, et ea quæ falsa inveneritis comburi et destrui, et alia legalia et justa deputari et consignari, necnon Transgressores in hac Parte debite castigari et puniri faciatis juxta Tenorem Chartæ nostræ supradictæ; Taliter in Executione præsentium vos habentes, ne de vestris Tepeditate, Negligentia, aut Defectu in præmissis ad nos perveniente Querelâ, de tali nos oporteat Remedio providere, per quod Amissionem dictarum Libertatum incurrire non immeritò debeatis. Teste meipso apud Westm.
3^{mo}. Die Septem^b. Anno Regni nostri 6^o.

From Hare, vol. I, f. 217.

Charta Rich. 2^{di}. Anno. Regni sui 7^{mo}.

**De Cognitione
Placitorum.**

RICHARDUS Dei Gratia Rex Angliæ et Franciæ et Dominus Hiberniæ, Archiepiscopis, Episcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Præpositis, Ministris, et omnibus Balivis et Fidelibus suis Salutem. Sciatis, quod cum Cancellarius Universitatis Cantebrigiae pro Tempore existens Virtute Privilegiorum Universitati prædictæ per Chartas Progenitorum nostrorum quondam Regum Angliæ (quas confirmavimus) concessorum, habuerit et habere debeat Cognitionem omnium Placitorum personalium, Contractuum, Injuriarum, et Transgressionum quorumcunq. infra Villam Cantebrigiae et Suburbia ejusdem factorum (Feloniam et Mahemio exceptis) ubi Magister, Scholaris, vel Serviens Scholaris, aut Minister Universitatis prædictæ unus Partium fuerit, quos Cancellarius dictæ Universitatis, seu ejus Locum tenens pro talibus vendicare voluerit. Idemq. Cancellarius inquirere consueverit de hujusmodi Transgressionibus tam ex Officio quam ad Sectam Partis per Scholares et Laicos ejusdem Villæ, ac per alios; et omnia hujusmodi Placita coram dicto Cancellario seu ejus Locum tenente secundum Consuetudines suas terminare; et Transgressores contra Pacem reos inventos per Incarcerationem vel alio Modo rationabili debite castigare; Jamq. Cancellarius et Scholares Universitatis prædictæ nobis cum jugi Instantiam per Petitionem suam supplicaverunt; ut, cum iidein Cancellarius et Prædecessores sui in præmissis a Tempore Confectionis Chartarum et Confirmationis nostræ prædictarum inconcusse usi fuerunt et gavisi, quousq. quidam Justiciarii nostri Privilegia prædicta jam

Cancellario allocare distulerint, eo quod Verba Privilegiorum prædicatorum generalia sunt, ut asserunt, et minùs sufficientè expressata, velimus pro Salvatione Privilegiorum suorum prædicatorum et Quietè Universitatis prædictæ et pro Ambiguitate de cætero in hac Parte tollendâ, eis inde opportuni Favoris Remedium providere gratiosè. Nos ob Desiderium quod ad Incrementum Clerimoniae in Regno nostro Angliae vehementè gerimus et habemus, et ad finalem Effectum, quod Scholares Universitatis prædictæ Studio et Disciplinæ ibidèm vacare valeant quietius in futurum, Supplicationi prædictæ libentiùs annuentes, Volumus, et concedimus ac præsenti Chartâ nostrâ confirmamus pro nobis et Hæredibus nostris, quòd Cancellarius dictæ Universitatis ejusq. Successores et eorum Loca tenentes coram seipsis in perpetuum habeant Cognitionem omnimodorum Placitorum personalium tam Debitorum, Computorum, et quorumcunq. aliorum Contractuum et Injuriarum, quam Transgressionum contra Pacem, et Misprisionum quarumcunq. infra Villam et Suburbia prædicta factorum (mahemio et Feloniâ dun-taxat exceptis) ubi Magister, vel Scholaris, seu Serviens Scholaris aut communis Minister dictæ Universitatis unus Partium fuerit; et teneant ubicunq. eis infra Villam prædic-tam et Suburbia ejusdem placuerit, et inde Executionem secundum Leges et Consuetudines suas faciant; et de Hujusmodi Transgressionibus tam ex Officio quam ad Sectam Partis in Forma prædicta inquirant. Et Quod tam Justiciarii ad Placita coram nobis et Hæredibus nostris tenenda assignati et assignandi, et Justiciarii nostri et Hæredum nostrorum de Banco, quam alii Judices quicunq. in Præsentia et absentia nostrâ, et Hæredum nostrorum, dicto Cancellario, et ejus Successoribus eorumq. Loca tenantibus de omnibus Placitis prædictis Allocationem faciant absq. Difficultate vel Impedimento aliquali. Et Quod nullus Justiciarius seu Iudex, in Præsentia vel Absentia nostrâ vel Hæredum nostrorum, Vicecomes, Major, Ballivus, seu aliis Minister de Placitis illis seu aliquo eorundem se intro-

Cognitio Placitorum personalium coram Cancellario et ejus Locum tenuenti habenda.

Executio juxta Leges et Consuetudines suas.

**Nisi Cancellari-
us in Exhibiti-
one Justitiae de-
fuerit.**

**Transgressores
infra Castrum
Cantebrig. et
alibi imprisou-
andæ.**

mittat, nec Partem ad respondendum coram ipsis inde ponat; sed quod Pars illa coram p̄fato Cancellario et Successoribus suis seu eorum Loca tenentibus inde solummodo justificetur et puniatur in Formâ p̄dictâ, nisi Cancellarius p̄dictus vel ejus Locum tenens ad Justiciam in Casibus p̄dictis faciendam congruè requisitus in Exhibitione Justitiae defuerit. Et Quod idem Cancellarius, Successores sui, et eorum Loca tenentes in perpetuum executionem de Universis Personis, coram seipsis de hujusmodi Transgressionibus convictis, et aliis Manutentoribus fieri; et Transgressores infra Castrum Cantebrigiæ, et alibi in Villâ p̄dictâ juxta Discretionem suam Imprisonari faciat. Et Quod Vicecomes Cantebrigiæ seu Custos Castri p̄dicti, aut Major et Ballivi Villæ p̄dictæ pro Tempore existentes hujusmodi Transgressores ad Ordinationem et Mandatum p̄fati Cancellarii et Successorum suorum ac eorum Locatenentium recipere, Custodire, et deliberare tenantur. His Testibus, &c.

Datum per Manum nostram apud Westm. 10º Die Decemb. Anno Regni nostri 7º.

From Hare, vol. 1, f. 219.

Literæ Rich. 2nd. Anno Regni sui 8th.

**De Delibera-
tione Busselli,
et Summoni-
tione Hominum
de Villâ.**

Rex omnibus ad quos præsentes Literæ pervenerint Salutem. Cum nos nuper in Parliamento nostro tento apud Westm. in Crastº. Animarum An. Reg. nostri 5th. de Assensu Prælatorum, Procerum et Magnatum Regni nostri Angliæ nobis in eodem Parliaimento assistentium, ordinavimus et concessimus pro nobis et Hæredibus nostris et per Chartam nostram confirmavimus, quod Cancellarius Universitatis Cantebrigiæ et Successores sui et eorum Vices gerentes soli et in Solidum in perpetuum in Villa Cantebrigiæ et Suburbiis ejusdem habeant Custodiam Assisæ Panis, Vini et Cervisiae, ac Correctionem et Punitiōnem ejusdem cum

Finibus, Amerciamentis, et Proficuis aliis inde provenientibus: Ac etiam Custodiam Assisæ et Assaiæ ac Supervisum Mensurarum et Ponderum in dictâ Villâ Cantebrigiae et Suburbiis ejusdem; ita quod quiscunq. Cancellarius dictæ Universitatis, qui pro Tempore fuerit ibidem, vel ejus Vices gerens, quoties opus fuerit, dicta Mensuras et Pondera supervideat, et ea quæ falsa invenerit comburi et destrui faciat, et alia legalia et justa deputet et consignari faciat, necnon Transgressores quos in hac Parte invenerit debitè puniat et Castiget. Et Quod prædicti Cancellarius et Successores sui et eorum Vices gerentes in perpetuum habeant soli et in Solidum Gubernationem Correctionem et Punctionem Præmissorum, simul cum omnibus Finibus, Forisfacturis, Amerciamentis et aliis Proficuis inde provenientibus, prout in Chartâ nostrâ prædictâ pleniùs Continetur. Ac Jam intelleximus, quod quædam Lites et Discordiæ inter Cancellarium et Scholares Universitatis prædictæ, ac Majorem et Communitatem ejusdem Villæ super Deputatione et Deliberatione quarundam Mensurarum videlicet Busselli Dimidium-Busselli et Peck ac quorundam Proficuorum inde provenientium, viz. 4 Denariorum de Bussello, et de Dimidio Busselli et Peck secundum ratam, pro eo quod Mensuræ et Proficua prædicta in dictâ Chartâ nostrâ clare non expressantur, jam novitèr sunt exortæ. Et quia Lites et Discordias hujusmodi, prout regiæ convenit Excellentiæ, pacificare volumus et sedare, ac Causam et Materiam earundem penitus resecare, Pacemq. et Tranquillitatem inter Partes prædictas in quanto possumus confovere; De Avisamento Prælatorum, Procerum, et Magnatum nobis in præsenti Parliamento nostro assistentium, Intentionem nostram in hac Parte Tenore præsentium ex certâ Scientiâ nostrâ sic duximus declarandam, viz. quod Deputatio et Deliberatio Busselli, Dimidium-Busselli, et Peck tam in Feriis et Mercatis, quam in Portu et omnibus aliis Locis infra Villam prædictam et Suburbia ejusdem, ac etiam quatuor Denariorum de Bussello hujusmodi et de Dimidio Bussello et Peckâ se-

Quod Deputatio et Deliberatio Busselli, &c.
ad Cancellar. pertinet.

CHARTERS, BULLS, &c.

cundum ratam percepti, et percipiendi, qui quidem quatuor Denarii per ipsum Majorem per Nomen Custumiæ sive Præstationis indebitè vendicantur, nec non omnia alia Proficia de Mensuris illis provenientia ad ipsum Cancellarium et Successores suos Vigore et Virtute Chartæ et Concessio-
nis nostrarum prædictarum a Tempore Confectionis earun-
dem pertinent et pertinere debent; quodq. Major et Com-
munitas dictæ Villæ nullum jus sive Titulum ad Mensuras
hujusmodi ibidem a Tempore Concessionis nostræ prædictæ
deputandas aut deliberandas, seu dictos quatuor Denarios
de Bussello et de Dimidio Bussello et Peckâ secundum
ratam a Tempore prædicto percipiendos ullenius habue-
runt. Et Insuper, cum per dictam Chartam nostram con-
cesserimus quod prædicti Cancellarius et Successores sui vel
eorum Vices gerentes in perpetuum soli et in solidum habe-
ant Potestatem inquirendi et cognoscendi de Forstallatoribus
et Regratariis, et tam de Carnibus et Piscibus putridis, vitiosis
et alias incompetentibus, quam aliis, et in dictâ Chartâ nostrâ
expressa non fit Mentio per quem Processum dictus Cancel-
larius et Successores sui vel eorum Vices gerentes Homines
dictæ Villæ coram se ad Inquisitiones faciendas et Defectus
in hac Parte præsentandos venire facere possint; Nos de
Avisamento prædicto Tenore præsentium duximus similiter
declarandum, quod Cancellarius sive Præsidens dictæ Uni-
versitatis pro Tempore existens, vel eorum Vices gerentes
summonere possint per Ministros suos proprios Homines
dictæ Villæ Cantebrigiae et Suburbiorum ejusdem per quos
Rei Veritas melius sciri poterit, ad veniendum et compa-
rendum coram eis, et ad præsentandum per eorum Sacra-
mentum tam de Forstallatoribus et Regratariis, ac Carnibus
et Piscibus putridis, vitiosis et alias incompetentibus, quam
de aliis Victualibus; et eos, qui coram ipsis per Summonitio-
nem hujusmodi venire recusaverint, punire per Americia-
menta per Ministros suos prædictos levanda, vel sicut Can-
cellarius et Scholares Universitatis Oxon hactenius fecerunt
et *faciunt in præsenti. In Cujus Rei Testimonium has

**Quod Cancella-
rius possit sum-
monere homi-
nes de Villa ad
præsentand.**

**Summoniti, si
non compare-
ant, puniendi.**

* i. e. per In-
carcerationem.

**Litteras nostras fieri fecimus patentes, Teste meipso apud
Westm. 10^o Die Oct. Anno Regni nostri 8^o.**

From Hare, vol. 1. f. 224.

Litteræ Rich. 2^{di}. An. Regni sui 9^o.

Rex omnibus ad quos præsentes Litteræ pervenerint Salutem. Sciatis quod cum nos nuper de Assensu Praelatorum, Procerum et Magnatum Regni nostri Angliæ in Parliamento nostro tunc assistentium inter cætera ordinavimus et concesserimus pro nobis et Haeredibus nostris, et per Chartam nostram confirmaverimus; quod Cancellarius Universitatis Cantebrigiae et successores sui et eorum Vices gerentes in perpetuum soli et in solidum habeant Potestatem inquirendi et cognoscendi de Forstallatoribus et Regratariis, et de Carnibus et piscibus tam putridis vitiosis et alias incompetentibus in dictâ Villâ Cantebrigiae et Suburbiis ejusdem, quam aliis, et super his Punctionem debitam faciendi; ac Gubernationem, Correctionem et Punctionem præmissorum et aliorum Victualium quorumcunq. simul cum omnibus Finibus, Forisfacturis, Amerciamentis et aliis Proficuis inde provenientibus, prout in eadem Chartâ pleniùs continetur. Ac Jam intellexerimus quod Candelarii et Hostelarii Candelas et Focalia in Villa et Suburbiis prædictis vendentes, pro eo quod hujusmodi Candelæ et Focalia in Charta nostra prædicta per Verba specialia minimè exprimuntur, per dictum Cancellarium et ejus Vices gerentem tanquam Vitellarii justiciari et puniri non intendunt, sed Correctioni et Punctioni ipsius Cancellarii et ejus Vicem gerentis in hac Parte, quæsito hujusmodi Colore ficto, resistere nituntur in quanto possunt. Nos, pro Quietè et Tranquillitate Universitatis prædictæ juxta sanam Intentionem Concessionis nostræ prædictæ volentes providere, ac omnem Ambiguitatem in hac Parte tollere penitus et auferre; ad Instantiam Cancellarii et Universitatis prædictæ de Avisamento et Consensu

De Candelis it
Focalibus.

Candelæ et Fo-
calia pro Vic-
tualibus haben-
dæ.

Consilii nostri volumus et concedimus ac apertius declaramus pro nobis et Hæredibus nostris, quod Candelæ et Focalia hujusmodi sub Nomine et Vocabulo Victualium debeant de cætero comprehendendi, et Victualia plenarie reputari; et quod Candelarii et Hostelarii in Villa et Suburbiis prædictis ea vendentes pro suis Excessibus Delictis et aliis Defectibus quibuscunq. in ea Parte factis seu faciendis, per præfatum Cancellarium et ejus Successores ac eorum Vices gerentes corrigantur et debitè puniantur et vitellarii de cætero reputentur. Et hoc omnibus quorum interest pro nobis et Hæredibus nostris innotescimus per præsentes. In Cujus Rei Testimonium has Literas nostras fieri fecimus patentes. Teste meipso Apud Westm. 7°. Die Aprilis An. Reg. nostri 9°.

From Hare, vol. 1. f. 228.

Literæ Henrici sexti An. Regni sui 37°.

**De Nocumentis
corrigendis, et
Meretricibus
per 4 Millaria
banniendis.**

Rex omnibus ad quos præsentes Literæ pervenerint Salutem. Sciatis quod cum in Parliamento Domini Richardi nuper Regis Angliæ secundi post Conquestum tento apud Cantebrigiam inter cætera Statutum et ordinatum fuerit, eò quod tanta Fimi, et alia sordida de Exitibus et Intestinis tam Bestiarum occisarum, quam aliarum Corruptionum in Fossis, Riviis, et aliis Aquis, ac etiam in pluribus aliis Locis infra, circa, et prope Civitates, Burgos, et Villas Regni Angliæ, et Suburia eorundem posita et projecta extiterunt, quod ex Corruptione et Infectione Aeris ibidem quamplurimæ Infirmitates et alia Nocumenta intolerabilia, tam inhabitantibus in dictis Civitatibus, Burgis, Villis et Suburbiis, quam aliis illuc advenientibus in Dies evenerunt, ad grave Nocumen-tum, Damnum et Periculum inhabitantium, conversantium et Transcuntium prædictorum, Quod Proclamatio fieret tam in Civitate London, quam aliis Civitatibus, Burgis et

Villis per dictum Regnum, tam infra Libertates quam extra, ubi indiguerit, quod omnes illi qui hujusmodi Nocumta, Fimos, Exitus, Intestina, et alia sordida in Fossis, Rivis, Aquis et aliis Locis supradictis projecerunt, seu posuerunt, ea post Finem dicti Parliamenti ante Festum Sancti Michaelis tunc proximè sequentis totaliter amoveri, deleri, et asportari facerent indilatè, quilibet videlicet sub Pæna viginti Librarum nobis solvendarum, Et Quod Majores et Ballivi omnium hujusmodi Civitatum, Burgorum et Villarum, ac etiam Ballivi Libertatum, ipsos sub consimili Pænâ hoc facere coarctarent: Et si aliquis se sentiret gravatum, quod hoc Modo prædicto non proficeretur, et inde post Festum Sancti Michaelis Cancellario Angliæ conqueri vellet, haberet Breve de venire facias in Cancellariam ipsum, de quo sic conqueri vellet, ad ostendendum, quarè de eo dicta Pæna levari non deberet, et si ipsum inde debitè excusare non posset, tunc eadem Pæna de ipso levaretur: Et Insuper, quod Proclamatio tam in dictâ Civitate London, quam in aliis Civitatibus, Burgis et Villis, ut prædictum est, fieret, quod nullus cujuscunq. Conditionis foret ex tunc hujusmodi Nocumta, Exitus, Fimos, Intestina, aut sordida in Fossis, Rivis, Aquis, aut aliis Locis supradictis poni aut projecti ficeret; et si quis hujusmodi ficeret, per Breve coram Cancellario ad Sectam illius, qui se inde conqueri vellet, vocaretur, et si inde culpabilis inventus foret, secundum Discretionem Cancellarii prædicti puniretur; prout in Statuto et Ordinatione prædictis plenius continetur. Jamq. intellexerimus quod licet quamplures in Villa nostra Cantabrigiæ et Suburiis ejusdem commorantes et inhabitantes, Fimum, Terram corruptam, Aquam fætidam, Exitus et Intestina Bestiarum occisarum, Cadavera et alia sordida quamplurima in Viis, Stratis, Fossis, Rivis, Aquis, et aliis Locis infra eandem Villam et Suburbia ejusdem contra Formam Statuti et Ordinationis prædictorum posuerunt et projecerunt, ac in Dies ponere ac projicere non desistunt, in nostri Contemptum et Prejudicium, ac Hominum in dictâ

Villa inhabitantium, conversantium et transeuntium, ac illuc advenientium Nocumentum ac Damnum non modicum, ac Gravamen intolerabile, dicta tamen Statutum et Ordinatum propter Timorem, tum propter Favorem delinquentium hujusmodi, tum propter multas variasq. et diversas Dilatationes Processus, et Gravitatem Pænæ eorundem Statuti et Ordinationis, debitè executa minimè existunt. Nos Consideratione præmissorum, ac ob speciales Amorem et Favorem, quos ad Universitatem nostram prædictæ Villæ Cantebrigie gerimus et habemus, ac ad Instantiam et Supplicationem speciales dilecti nobis in Christo Magistri Roberti Woodlarke, Præpositi Collegii nostri regalis B. Mariæ et Ss. Nicholai de Cantebrigiâ, nunc Cancellarii ejusdem Universitatis nostræ, tamq. ad Incrementum Virtutum ibidem, quam ad Evitationem hujusmodi Nocumentorum, Infectiones Aeris causantium, maximas Infirmitates in Dies ibi generantium; Concessimus et confirmavimus pro nobis et Hæredibus nostris (quantum in nobis est) præfato Cancellario Universitatis nostræ prædictæ, ac Doctoribus, Magistris, et Scholaribus ejusdem Universitatis et Successoribus suis, quod Cancellarius Universitatis prædictæ, pro Tempore existens quicunq. et Successores sui Cancellarii ibidem in perpetuum habeant Authoritatem et Potestatem ad inquirendum, et perscrutandum, examinandum seu probandum singulis Annis, perpetuis futuris Temporibus, quotiens Opus fuerit et necesse, per Sacramentum proborum et legalium Hominum de dicta Villâ et Comitatu Cantebrigie, per quos seu per quem hujusmodi Nomenta Fimi, Terræ Corruptæ, Aque fetidæ, Exitum, Intestinorum, Cadaverum, et aliorum Sordidorum prædictorum in Viis, Stratis, Fossis, Ravis, Aquis et aliis Locis infra Jurisdictionem ejusdem Cancellarii, contra Formam Statuti et Ordinationis prædictæ posita et projecta extiterunt, et qui hujusmodi Nomenta sic ponere et projicere nou desistunt. Necnon de omnibus Obstructuris et Suffocationibus Gutturarum, Cursuum Viarum aquaticarum, et Sewerarum infra eandem Jurisdictionem factis et fiendis,

Quod Cancellarius de Nomentis inquirat.

Et ad amerciandum omnes et singulos, quos per debitam Inquisitionem, Scrutinium Examinationem vel aliam Probatonem seu publicam Evidentiam poterint reperiri inde culpabiles, Et ad ponendum omnes et singulos hujusmodi delinquentes totiens quotiens ad Pænas pecuniarias seu Prisonæ nostræ ibidem committendum et puniendum quousq. hujusmodi Nocumenta emandeverint, amoverint et asportari fecerint secundum Discretionem dicti Cancellarii pro Tempore ibidem existentis, prout singulis hujusmodi delinquentiū per eundem Cancellarium injunctum fuerit. Concessimus etiam et confirmavimus præfatis Cancellario, Doctoribus, Magistris et Scholaribus nostræ Universitatis prædictæ et Successoribus suis quod idem Cancellarius ejusdem Universitatis pro Tempore existens, et Successores sui Cancellarii ibidem in perpetuum habeant et percipiant sibi et Successoribus suis omnia et omnimoda Amerciamenta et Pænas pecuniarias pro præmissis facta et fienda, necnon forisfacta et forisfacienda, si quæ fuerint, absq. aliquo Computo, seu aliquo alio inde nobis vel Hæredibus nostris reddendo, solvendo, vel faciendo. Et Insupèr licet Cancellarius Universitatis prædictæ pro Tempore existens habeat ex Concessione inclitorum Progenitorum nostrorum, quondam Regum Angliæ Authoritatem et Potestatem banniendi omnes criminosas et viciosas Personas, obstinaces, rebelles, et incorrigibiles a dicta Universitate et Procinctu ejusdem, Personæ tamèn sic bannitæ ad Villas et Villatas prope dictam Universitatem se retrahunt ibi commorantes, ad hujusmodi Crimina et vitiosam Conversationem detestabilitè magis ibidem quam in Universitate prædicta ducend et exercend. Nos igitùr de uberiori Gratia nostrâ concessimus et confirmavimus præfatis Cancellario, Doctoribus, Magistris, et Scholaribus ejusdem Universitatis nostræ et Successoribus suis, quod idem Cancellarius pro Tempore existens et Successores sui Cancellarii ibidem in perpetuum habeant Potestatem et Authoritatem banniendi a dicta Universitate per 4 millaria circumjacentia omnes Pronubas, Meretrices, et Mulieres

Et delinquentes mulctet ve
per Prisonam
vel per Pænas
pecuniarias.

Et Amercia-
menta sibi ha-
beat sine Com-
puto.

Mulier bannita, infra 4 millaria commorans, per Dominum Loci imprisionanda, et ejicienda.

incontinentes infra eandem Universitatem aut Procinctum ejusdem notabilitè delinquentes; ita quod nulla hujusmodi Mulier sic bannita infra 4 millaria circa dictam Universitatem Cantebrigiae commorari præsumat. Et si aliqua earum infra 4 millaria circa Cantebrigiam commoretur, quòd Dominus Loci sive Habitationis alicujus hujusmodi mulieris bannitæ, aut ipsius Domini Deputatus, Super Præmonitione hujusmodi Bannitionis per Cancellarium dictæ Universitatis pro Tempore existentem sibi factâ, dictam bannitam imprisonet, et post hujusmodi Imprisonamentum eam a Dominio illo expellat, et amoveat, dicto Statuto aut quibuscunq. aliis Statutis et Ordinationibus non obstantibus. In Cujus Rei Testimonium has Literas nostras fieri fecimus patentes. Teste Meipso apud Westm. 12° Die Ap. An. Reg. nostri 37°. Per ipsum Regem et de data prædictâ Authoritate Parliamenti.

From Hare, vol. 2. f. 145.

AN

ABSTRACT OF THE AWARD

BETWEEN THE

UNIVERSITY & TOWN,

Made An. 1502, by John Fisher, Justice of the Common Pleas, Humphry Coningesby & Tho. Frowyche, Serjants at Law, chosen by Consent of Partys for that Purpose, at the Instance of Margaret Countess of Richmond & Derby, & Mother to King Hen. 7th.

Art. 1. THAT no Person taken to be a Pensioner or Contributor in any College or Hall, who was never brought up in Study nor Learning in the University, shall have the Privilege of Scholar.

2. That every menial Servant dwelling & reteyned with any Scholer in Wages, & every Person reteyned with any Scholer, or Scholer's Servant, without Fraud, Craft, or Collusion, to go or ride with him, or to do him Service for any certain Time, shall for the same Time of his Service only be reputed as the Servant of a Scholer.

3. That all Bedells of the University, & all Manciples, Cooks, Buttlers, & Launderers of every College and Hall; also, all Apothecarys, Stationers,

Privileged Persons.

Privileged Persons.

Privileged Persons.

CHARTERS, BULLS, &c.

Lymners, Scriveners, Parchment Makers, Bookbinders, Physitians, Surgeons & Barbers in the said University, brought up principally in the Learning of any of the said Occupations, or at his or their first Dwelling in the Town set up in any of the said Occupations, shall have the Privilege of Scholars Servant, as long as they use any such Occupation.

Privileged Persons.

Art. 4. That of all such Scholars, Scholer's Servants, & common Ministers of the University as use Merchandise in the Town, only those Servants shall have the Privilege of Scholars Servants, who live with them in their House in the said Town, and not those also who live elsewhere.

Proof of Privilege by Certificate of the V. Chan.

By Oath of the Party.

Privileged Person, if required, must prove his Privilege in 3 Dais.

5. That, if any one attached, arrested, or distrained by the Mayor or any other Officer of the Town, within seven Dais bring a Certificate under the Hand of the Chancellor or Vicechancellor that he is a Scholer, he shall be discharg'd immediately.

6. That, if any Person attached, arrested, or distrained by the Mayor or any other Officer of the Town, will publickly make solemn Oath, that at the Time of such Attachment he was a Scholar's Servant, common Minister of the University, Servant of such common Minister, or Servant of a Scholer's Servant, he shall be discharged immediately without Fees.

7. That, if any Burgess or Dweller in the Town, arrested or distrained before the Commissary or other Officer of the University, alledge, that the Party at whose Suit he is so arrested or distrained, is not a Scholer, Scholer's Servant, common Minister of the University, nor any of their Servants; then Proof shall be made to the contrary within 3 Dais, according to Art 5 & 6; & on Failure thereof the Party so arrested or distrained shall be discharged immediately without fees.

Art. 8. That if any privileged Person, attached, arrested, or distrained by the Mayor or any Officer of the Town, & discharged as a privileged Person, as aforesaid, do alledge, that the Party, at whose Suit he was prosecuted, knew he was a privileged Person; then that Party shall either make publick Oath, that he did not know this, or else make the Person aggrieved Satisfaction at the Discretion of the Vice-chancellor. Also, if any Burgess or Dweller in the Town, arrested or distrained before the Commissary or other Officer of the University, shall be discharged as aforesaid, Art. 7. Satisfaction shall be made him in like Manner.

9. That the Mayor shall have all Pleas of Victuall between Burgess & Burgess, & between Burgess & Foreigner, where the Burgess is Plaintiff: And that the Chancellor shall have all such Pleas between Foreigner & Foreigner & between Foreigner & Burgess when the Foreigner is Plaintiff. By Victualls are here meant such only as are bought or sold to be spent in the University, or Town, or other Places, not such as are for Merchandise.

10. That all Pleas of Victual bought to sell by Way of Merchandise shall be before the Mayor, unless where any privileged Person is Party.

11. That the University shall have the Punishment & Affrays. Correction of all Affrays made in the Town or University, & also the Amercements for them according to their old Charters & Grants.

12. That any privileged Person committing Murder or Felony shall be attached & arrested, according to the common Law of the Land, as well before his Banishment out of the University as after.

13. That the Keepers of the Town Prisons shall keep such Prisoners, as are committed by the Chancellor in convenient & secure Places; & shall take no Fees

Wilful Prosecution of privileged Persons before the Mayor, to be punish'd.

Wilful Prosecution of Burghesses before the Commissary, to be punish'd.

Pleas of Victual.

Privileged Persons committing Murder.

Keepers of Prisons, & their Fees.

of a privileged Person; & of every other Person committed by the Chancellor, they shall take for the first Day 4^d, for 3 Daies 8^d, for a Week or longer 12^d, & no more.

Toll, Pickage, Art. 14. That neither the Mayor nor any other Officer of the Town shall take any Thing of any one for Toll, Pickage, Stallage, or other Imposition for standing in the Markett, except of Butchers, one halfpenny a Week, or 12^d a Year, or unless they provide a Butcher with a Stall Board 6 Foot long & 4 wide; in that Case they may each Week take one Penny of him.

Fishermen's Toll.

15. That no Fisherman who is a Foreigner shall pay the Mayor for his Standing, Pickage, & Stallage, more than 3^d for a Quarter of the Year or one halfpenny a Week.

16. That for Oysters, Herring, Sperling, or other fresh Fish or any other Victual, that comes to Town on Horseback, only one halfpenny a Horse Load shall be paid for Pickage and Stallage.

17. That for every Cart Load of Oysters sold out of the Cart only one Penny be paid.

18. That for every Cart Load of Wood only one halfpenny be paid; & for every Cart Load of Coals a Penny. Wood & Coals bought by Scholars shall pay nothing.

19. That for every Horse Load of Fish, Victuals, or other Merchandise, passing thrô the Town, the Mayor shall take a Penny; & for every Cart Load 2^d.

For Beasts, Doves of Cattle, & Flocks of Sheep, they shall take according to the Custom of the Town.

For Doves of Cattle & Flocks of Sheep.

The Taxor's Bushell.

20. That every Burgess & Dweller in the Town shall have all his Corn, Grain, Coal, & other Things measured at the Water Side by the Taxor's Bushell;

or with their own, sealed by the Taxors, for 4^d only, for a whole Year.

Art. 21. That neither Proctors nor Taxors shall take of any one for setting up Baking or Brewing in the Town more than 3^s. 4^d. And if any Baker or Brewer leave off Trade for 3 Months, & then set up again, his Fine shall be at the Discretion of the Vicechancellor, so it do not exceed 6^s. 8^d.

Baker's & Brewer's Fee to the Taxors or Proctors.

22. That the Mayor & Bailiffs shall have Presentment, Punishment, Correction, and Reformation of all common Annoyances in the Town at their Leets, to be held within 6 Weeks after Mich^o. and Easter. But upon their Negligence at any Time, the Chancellor shall for that Time have the Punishment, Correction, & Amercements of all that make such Annoyance, & see the Correction thereof.

23. That all Seges made over the common Ditches of the Town shall be removed, except the common Sege of the Town, which shall by the Mayor be cleansed every third Year, so as to be as little Annoyance as possible.

24. That the Mayor, Bailiffs, and Burgesses, shall take Care, that no Butcher kill any Beast in any Street of the Town, & that they convey away the Guts, Paunches, Filth, & Entrails of their Beasts in such Manner, that they be no Annoyance to the University or Town.

25. That the Mayor, Bailiffs, & Burgesses shall have the sole Search and Correction of Leather, & the Forfeitures & Amercements of the same, paying yearly to the University 3^s. 4^d. And that the Mayor shall swear all Persons appointed to search Leather, to make true Search, & certify their Names to the Vicechancellor, before whom they shall make like Oath.

Search of Leather.

Search of Sack- Art. 26. That the University meddle not with the Search of cloth.
Sackcloth.

Assessment of Taxes.

27. That all Taxes & Subsidies to the King that shall happen in the Town, except the Fee Farm of the same, shall be assessed upon Oath by 8 Burgesses & 4 privileged Persons, such as shall be contributory to the same, after the Rate of their Lands, Tenements, Goods, & Chattells. The Assesment to be made by a major Part of the Number, whereof 2, at least, to be privileged Persons.

Collection of Taxes.

The Assesments of privileged Persons to be collected by a Beadle, & paid to the Mayor.

Privileged Persons.

28. That several Persons here named shall be allowed the Privilege of Scholers, so long as they shall be so taken by the University, any of the foregoing Articles notwithstanding.

Decision of Doubts in these Articles.

29. That any Doubt or Ambiguity in these Articles shall be interpreted by the Lady Margaret Countess of Richmond & Derby, or by such Persons as she shall appoint. And after her Decease, by the Chancellor & Treasurer of England, & the Cheif Justice of the Kings Bench, & of the Common Pleas for the Time being or any three or two of them.

Decision of all future Contests for Privileges.

30. That all future Controversies that may arise between the Town & University about Privileges shall be decided as in the last Article.

From Hare, vol. 3. f. 8.

Extract from the Foundation of L. Margaret's Lecture.

1. LADY Margaret's Lecturer to read liberè, solenniter, et apertè such Books as the Vicechancellor & Doctors shall judge fittest, either from 7 to 8 in the Morning, or any other Hour at the Discretion of the Vicechancellor.
2. To read every accustomed Day in Term, except in Lent, & in the Long Vacation, to the 8th of Septemb. unless excused by the Vicechancellor for Infirmity or other just Cause.
3. Not to omitt his Lectures above 4 Daies in a Term, but upon just & reasonable Cause known and approved by the Vicechan. & the major Part of the Doctors in Divinity, & with Leave of the Vicechancellor.
4. Not to be absent on Pretence of such Leave above 14 Daies in a Term, & then to substitute a fit Person.
5. To be elected by the Vicechan. Doctors, & Batch'. of Divinity, under Oath of chusing the most worthy. On an Equality, the Vicechancellor to have the casting Vote. To continue 2 Years only.
6. To be admonish'd 3 Times for neglect of Duty or being guilty of any Ill in the Judgment of the Vicechan. & Doctors: if he offend after the third Admonition, to be deprived.
7. To read over this Foundation once a Year, instead of a Lecture: & to lose his Lecture in a Month, if he be Vicechancellor.
8. To swear at his Admission to observe these Orders: & to have for his Salary £13. 06s. 08d. yearly of the Abbot of Westm.

Vid. Hare, vol. 3. f. 33.

Extract from the Foundation of L. Margaret's Preacher.

These Sermons
are dispensed
with by K. Ch.
2d^o Letter, Oct.
30th, 1679.

1. LADY Margaret's Preacher to preach 6 Sermons a Year at several Places here named.
2. To be elected every three Years by the Vicechancellor & Heads. The Vicechan. upon an Equality, to have the Casting Vote.
3. To be a Dr. of Divinity, if any be fit for it, else a Batch. & perpetual Fellow of some College. Especial Regard to be had to the Fellows of Christ College.
4. To have no Benefice, and to reside in the University.
5. To be admonish'd & deprived as the Margaret Lecturer.
6. To swear, at his Admission, to observe these Orders, & to have 10^l. per An. Salary of the Abbot of Westm.

Vid. Hare, vol. 3, f. 40.

Sir Rob^t. Read's *Endowment of the 3 Readers of Ordinaries,*

1. THESE Readers to be chosen after the laudable Custom & Usage of the University, on the 10th of June, of different Counties, & to have each 4^l. yearly, payable by Jesus College,
2. To read the accustom'd Lectures in Humanity, Logic, & Philosophy. No Money to be paid for Ordinaries for the future.

3. These Ordinances & Statutes to be wrote on a Table, & to continue fixed up in the publick Schools for ever.
4. The University to make a Statute in three Months, to bind themselves & Successors to fulfill their Part of this Covenant.

Vid. Hare, vol. 3, f. 56.

*Part of certain Articles of Complaint exhibited by
the Town against the University An. 1524.*

— GEORGE Foyster, late Mayor of the Town, was excommunicated by one Dr. Crooke, being the Vicechancellor's Deputy; & before he could be assyled again, was not only enjoyned by the said Doctor to hold a Taper of Wax in his Hand, & kneeling openly in the Augustine Fryers Church before the Image of our Lady, there offered his said Candle as a Penitent; but also he was compelled & constreyn'd by the said Dr. Crooke & one Dr. Hall to make a Submission, (which before they had conceyved & devised in Writinge) commanding the said Foyster to say the same after them, the Tenor of which Submission hereafter followeth.

‘ For the Offence that I have committed against the University, in maintaining the Jurisdiction of my Mairealty against the Liberties of the University, & refusing to come at the call of you, M'. Vicechancellor, contrarie to mine Othe, & mine Obedience, in this behalfe, I acknowledge myself giltie, & desire of you Absolution,’ &c. As more plainly & at large may appear in a publique Instrument therupon made & hanged up in the common Scholes of the University, for a Note & President to all Straungers therer

comminge, in perpetuall Reproach of the Offyce of Maireality of the said Towne.

From Hare, vol. 3, f. 61.

*Memorandum annex'd to the Universitys Answer to
the preceding Articles.*

MEM. that the 24 Day of July 1534 we mett at Lambeth before my Lord Chancellor, my Lord of Canterbury, & the Duke of Norfolk; there being present besides, my Lord Marquess of Exeter, the Dean of the Chappel, & the King's Almoner; where it was decreed by the said Lords, that Sterebrige Fayr was in the Suburbs of Cambridge, & that the Vicechancellor, or his Commissary, might keep Court civil there for Pleas, where a Scholer, or a privileged Person was one Party.

Item, that in the same Fayr the University had the Oversight, Correction, & Punishment, of all Weights & Measures, of all Manner of Victuall, & of all Regraters & Forestallers.

Item, it was determined, that Spices be Victuall.

From Hare, vol. 3, f. 65.

Literæ Henrici 8^o. de Stationariis.

Henricus Dei Gratiâ Angliae et Franciæ Rex, Fidei Defensor et Dominus Hiberniæ, Omnibus ad quos præsentes Litteræ pervenerint Salutem. Sciatis quod nos de Gratiâ nostra speciali, ac ex certa Scientia et mero Motu nostris concessimus et Licentiam deditum ac per præsentes concedimus et Licentiam damus pro nobis et Hæredibus nostris dilectis nobis in Christo Cancellario Magistris et Scholaribus Universitatis nostræ Cantabrigiæ, Quod ipsi et Successores sui in perpetuum per eorum Scripta sub Sigillo Cancellarii dictæ Universitatis sigillata de Tempore in Tempus assignent, eligant, et pro perpetuo habeant inter se et infra Universitatem nostram prædictam perpetuo manentes et inhabitantes tres Stationarios et Librorum Impressores seu Videntes tam alienigenos, et natos extra Obedientiam nostram, quam Indigenos nostros et natos infra Obedientiam nostram, tam conductas quam proprias Domus habentes et tenentes. Qui quidem Stationarii sive Impressores Librorum in Forma prædictâ assignati, et eorum quilibet omnimodos Libros per dictum Cancellarium vel ejus Vices gerentem et tres Doctores ibidem approbatos seu in Posterum approbandos ibidem imprimere, et tam Libros illos, quam alios Libros ubicunq. tam extra quam infra Regnum nostrum impressos sic ut prædicitur per prædictum Cancellarium seu ejus Vices gerentem et tres Doctores ibidem approbatos seu approbandos tam in eadem Universitate quam alibi infra Regnum nostrum ubicunq. placuerint Venditioni exponere licet valeant seu valeat et impunè. Et quod iidem Stationarii sive Impressores etiam extra Obedientiam nostram oriundi, ut prædicitur, et eorum quilibet quamdiu infra Universitatem prædictam Moram traxerint, et Negotio prædicto intendant, in

omnibus et per omnia tanquam fideles Subditi et Legei nostri reputentur, habeantur et pertractentur, et quilibet eorum reputetur, habeatur, et pertractetur; ac omnibus et singulis **Libertatibus, Consuetudinibus, Legibus et Privilegiis** gaudere, et uti valeant, et quilibet eorum valeat liberè et quietè prout aliquis fidelis Subditus et Legeus noster quoquo Modo uti et gaudere possit, ac Lottum, Scottum, Taxam, Tallagium, et alias Consuetudines et Impositiones quascunq. non alitèr nec alio Modo quam cæteri fideles Subditi et Legei nostri solvunt et contribuunt, solvant et contribuant: aliquo Statuto, Actu, Ordinatione sive Provisione inde in contrarium facto, edito, sive proviso in aliquo non obstante. Proviso sempèr quòd dicti Stationarii sive Impressores extra Obedientiam nostram sic, ut præmittitur, oriundi, omnia et omnimoda Custumias, Subsidia, et alios Denarios pro Rebus et Merchandizis suis extra vel infra Regnum nostrum educendis vel inducendis nobis debitè de Tempore in Tempus solvent, prout Alienigenæ nobis solvunt et non alitèr. In Cujus Rei Testimonium has Literas nostras fieri fecimus patentes. Teste meipso apud Westm. 20º Die Julii, An. Reg. 26º.

From Hare, vol. 5, f. 70.

*Extract from a Paper called "Decretum Saccarii
de Bonis Leonardi Metcalfe," &c. An. 1541.*

A CERTIFICATE made unto our Soveraine Lord the King, by me John Edmonds, Doctor in Divinity & Vice-chancellor of the University of Cambridge, of & for the Goods of Leonard Metcalfe, late Scholer of St. John's Colledge in Cambridge, attached of Murther for the Death of one William Lamkyn, Burges of the Towne of Cambridge, & thereupon arraigned & found guiltie, & so by Course of the King's Lawes put to Execution, suffering Paynes of Death for the same, at the Assize holden at the Castle within the said Towne the 18th Day of March, in the Year above-written: which Goods found & remayninge the Day of his Attayndre, were prized by the common Prizers of the Universitie, & be such as hereafter particularly follow.

	£. s. d.
Item, a Sheet, old	0 0 8
Item, half an old Testure, of Darnix	0 0 4
Item, an old Hat	0 0 4
Item, a Chaire & a Meat Knyfe	0 0 5
Item, an old Lute	0 1 0
Item, a Callepine, of the worst	0 1 8
Item, Vocabularius Juris et Gesta Romanorum	0 0 4
Item, Introductiones Fabri	0 0 3
Item, Horatius sine Commento	0 0 4
Item, Tartaretus super Summulas Petri Hispani	0 0 2
Item, The Sheepheards Kalender	0 0 2
Item, Moria Erasmi	0 0 6
Item, Compendium 4 Librorum Institutionum	0 0 3
Item, in the Bailiff's hand—A pair of Sheets	0 1 0
Item, a Coverlet	0 0 10
Item, a very old Blankett	0 0 2
Item, lent to the same Lamkyn	2 0 0
<hr/>	
Summa	4 1 8

By me JOHN EDMONDES,

Vicechan. of the University of Cambridge.

From Hare, vol. 3. f. 82.

A Letter from the Privy Council, ordering that the Mayor & Sherriff acknowledge their Offences committed against the Proctors in Sturbridge Fair.

AFTER our Right hearty Commendations, these shall be to advertise you, that upon the Occasion of such Matter of Complaint, as on your Behalf hath been exhibited unto us against the Mayor of the Town & the Undersherriff of that Countie. Wee have heard them at good Length, & in the End find them sorry for their Attempts, & very willing to do, that should be by us appointed for Redubbe thereof. Whereupon we have taken Order, that both the said Mayor & Undersherriff shall not only knowledge their Faults before you the Vicechancellor & six or seven others of the Heads of your Colleges & the two Proctors, but also that the Mayor in the common Hall shall openly among his Bretheren acknowledge his wilfull proceeding ; and exhort them all, as much as in him lieth, to beware of the like hereafter : the doing whereof like as we thought should give a good Example to others, not to attempt the breaking of any of your Liberties hereafter ; whereby, according to your own Information, ye may the more quietly apply your Learning, so we doubt not but you will conform yourselves indeed, & not only at such Times as these, Men shall come to knowledge their Faults use such quiet, sober, & gentle Entertainment of them as shall become Men of your Callings, but also in the diligent applying of your Learning, & the Rest of your Proceedings so to use yourselves, that these the King's Majestie's Grants may take their intended Effect

CHARTERS, BULLS, &c.

among you: In which Case we shall not only think this our Travell well employed, but also to be glad to aid you further from Time to Time as Occasion shall so require accordingly; & thus fare you well heartily. From Hampton Court, the 3d. of Octo^b. 1547.

Your loving Friends,

W. Seint John,	John Russell,
Anth. Browne,	Anth. Wingfield,
W. Paget,	W. Peters,
Ed. Northe.	

To our loving Friends the
Vicechancellor & other
Students of the Univer-
sity of Cambridge.

This is the Order & Decree which was taken by the King's Majestie's Privy Council the 3d. Day of Octo^b. 1547, & to be spoken before the University by James Fletcher, late Mayor of the Town of Cambridge.

WHEREAS certain Prisoners taken by the Proctors of the University in this last Sturbridge Fair, for Persons of naughty & corrupt Behaviour, were by the same Proctors brought to the Tolboth, to have been there committed to Prison, both for their Punishment & also the Example of others. And I having before taken the Keys of the Prison into my Custody, would not suffer the said Malefactors to be taken into Prison; whereupon I have been called before

my Lords & others of the King's Majestie's privy Council, & my Fault therein so justly & plainly opened unto me, as I could not deny the same: like as then before my said Lords I did sincerely & wittingly confess my said Fault; so now by their Order I confess before you all, that in Refusal to accept the said Prisoners I did unwisely & indiscreetly, both to the Danger of myself, if the matter should be extreamly construed, & also to the evill Example of the Rest of the Townsmen, whereby they might take Courage to do the like least they fall into like Danger, but to do rather all Things, that may breed a Quietness between you & us.

W. Honing Clericus, privati Consil. Dni Regis.

The Effect of this was the Undersherriff of Cambridgeshire appointed to pronounce before the Vicechancellor changing only his Fault of the bayling the Prisoners from the Castle.

From Hare, vol. 3, f. 106.

Charta Elizabethæ Reginæ An. Reg. 3^{to}.

ELIZABETHA Dei Gratia, Angliæ Franciæ et Hiberniæ Regina, Fidei Defensor, &c. omnibus ad quos præsentes Literæ pervenerint Salutem.

Cum Dominus Henricus quondam Rex Angliæ tertius Progenitor noster per suas Literas gerentes Datum apud Westm. 22°. Die Feb. Anno Regni sui 52°. inter alias Libertates, Privilegia, et Immunitates quas concessit Cancellario, Magistris et Scholaribus Universitatis nostræ Cantabrigiæ inter alia concesserit. Quod, si Laicus inferat Clerico gravem vel enormem Lessionem, statim caperetur: et, si

This & all the foregoing Charters, from Hen. 3^d downwards, were fully ratified by the Act of Parliament for the incorporating the two Universities
Eliz. 13^o. ap. Hare, vol. 2. f. 135.

magna sit Lessio incarceretur in Villâ prædictâ, et ibi detineneretur, quousq. Clerico rationabiliter esset satisfactum: Et si Clericus inferret gravem vel enormem Lessionem Laico incarceretur in villâ prædictâ quousq. Cancellarius ipsum postulasset. Et in quadam Charta Domini Edvardi quondam Regis Angliae secundi Progenitoris nostri gerente Datum apud Claryndon 14°. Die Feb. Anno Regni sui 10°. inter alia continet. Quod, si Laicus Clerico, vel Clericus Laico levem Transgressionem inferret, illud idem in omnibus observaretur. Et Quod, si forte Cancellarius Universitatis prædictæ, qui pro Tempore fuerit, crederet vel verisimiliter conjectaret, quod sic incarcerandi indebite custodiarentur, tunc Custodes illorum incarceratedorum ad Petitionem ejusdem Cancellarii vel alicujus Magistri per ipsum Cancellarium ad hoc deputandi, ipsum Cancellarium seu Magistrum prædictum prædictos incarceratedatos et Modum Custodiæ eorundem supervidere permetterent, quotiēs necesse foret, et Cancellario visum foret expedire; et Defectus vel excessus (si quem in dicta Custodia invenire contigeret) ad Denuntiationem Cancellarii corrigeretur, prout in Charta prædicta pleniūs continet. Ac Jam intelleximus ex Querela Cancellarii, Magistrorum, et Scholarium Universitatis prædictæ, quod Major et Ballivi Villæ prædictæ, ac Custos Prisonæ Villæ prædictæ, nec non Vicecomes Comitatūs Cantebrigiae, et Custos Prisonæ nostræ Cantebrigiae jampridem non solum renuerunt accipere et custodire Personas delinquentes ad aliquam earundem Prisonarum sive Carcerum, per Vicecancellarium Universitatis prædictæ pro Tempore existentem commissos eisdem Modo et Formâ prout per eundem Vicecancellarium dictis Majori, Ballivis, Vicecomiti, et Custodi præceptum fuerit accipere et custodire, sed etiam diversas Personas, quas antehac custodiendas receperunt, contra Mandatum ipsius Vicecancellarii extra Prisonam illam dimiserunt et deliberaverunt.

Modus custodiendi et liberandi incarceratedatos.

Nos igitūr pro securiori Custodiâ hujusmodi delinquentium posthac providere volentes, declaramus et per præ-

sentes mandamus et firmiter injungimus tam Majori, Ballivis
 et Burgensibus praedictæ Villæ Cantebrigiae et Successoribus
 suis, ac omnibus et singulis Officiariis et Ministris ejusdem
 Villæ, et Custodi Prisonæ Villæ praedictæ, qui nunc sunt
 vel in posterum erunt, quam Vicecomiti Comitatūs nostri
 Cantebrigiae, et Custodi Carceris nostri praedicti qui nunc
 sunt, aut aliquo Tempore in posterum erunt, quod idem
 Major et Ballivi et Burgenses Villæ praedictæ, et Vicecomes
 Comitatūs praedicti, et Custodes Prisonæ et Carceris præ-
 dicti, et Officiarii et Ministri et eorum quilibet pro Tempore
 existens omnes et singulas Personas sic delinquentes ad Car-
 ceres illos vel eorum alterum per Cancellarium praedictæ
 Universitatis ac ejus Vices gerentem sive Deputatum pro
 Tempore jam vel in posterum aliquo Tempore existentem,
 vel per Authoritatem ipsius Universitatis missas, et de Tem-
 pore in Tempus in posterum mittendas in Carcerem recipiant
 et recipiat, et eas in illa Prisonâ dictorum Carcerum cui
 missi fuerint, salvò et securè custodiant, et custodiat eisdem
 Modo et Formâ, prout per Cancellarium dictæ Universita-
 tis pro Tempore existentem vel ejus Vices gerentem sive
 Deputatum pro Tempore existentem, vel per ipsius Univer-
 sitatis autoritatem assignabitur, et non aliter nec alio Modo:
 Necnon easdem Personas ad Mandatum Cancellarii ejus-
 dem Universitatis, vel ejus Vicem gerentis sive Deputati pro
 Tempore existentis, vel ipsius Universitatis solummodo, et
 non ad alicujus alterius mandatum sive Præceptum, vel Nos-
 tri, Hæredum, vel Successorum nostrorum de Tempore in
 Tempus a Carcere vel Prisonâ praedictâ liberabunt, et libe-
 rari facient, aut liberabit et liberari faciet eorum quemlibet sub
 Pœna Contemptūs, et incurriendi Indignationem nostram,
 Hæredum et Successorum nostrorum.

Cumq. etiam Dominus Richardus quondam Rex Anglie
 Progenitor noster per suas Literas patentes gerentes Datum
 apud Westm. 10^{mo}. Die Decemb. Anno Regni sui 7^{mo}. inter
 alias Libertates, Privilegia, et Immunitates concessas Càn-
 cellario, Magistris, et Scholaribus Universitatis Cantebrigie

prædictæ concesserit, quod Cancellarius prædictæ Universitatis ejusq. Successores et eorum Locatenentes coram seipsis habeant Cognitionem omnimodorum Placitorum personalium, tam Debitorum, Computorum, et quorumcunq. aliorum Contractuum, et Injuriarum, quam Transgressionum omnium contra Pacem, et Misprisionum quarumcunq. infra Villam, et Suburbia ejusdem villæ factorum (Mahemio et Feloniâ duntaxat exceptis) ubi Magister, vel Scholaris, vel Serviens Scholaris, aut communis Minister dictæ Universitatis unus Partium fuerit. Et ea teneant ubicunq. infra Villam prædictam et Suburbia ejusdem placuerit: Et inde Executionem secundum Leges et Consuetudines suas faciant: Ac de hujusmodi Transgressionibus tam ex Officio quam ad Sectam Partis in Formâ prædictâ inquirant. Et quod tam Justiciarii ad Placita coram se et Hæredibus suis tenenda assignati et assignandi, et Justiciarii sui et Hæredum suorum de Banco quam alii Judices quicunq. in Præsentia et Absentiâ suâ et Hæredum suorum dicto Cancellario et ejus Successoribus eorumq. Loca tenantibus de omnimodis Placitis prædictis Allocationem faciant absq. Difficultate vel Impedimento aliquali. Et quod nullus Justiciarius seu Jūdex in Præsentia seu Absentiâ suâ vel Hæredum suorum, Vicecomes, Major, Ballivus, seu alias Minister de Placitis illis seu aliquo eorundem intromittat, nec Partem ad Respondendum ponat coram ipsis, prout in Chartis prædictis plenius apparet. Ac Jam per prædilectum Consiliarium nostrum Willielmum Cecill Militem, Cancellarium prædictæ Universitatis intelleximus, quod multi Scholares, in dicta Universitate studentes et commorantes, extra Universitatem prædictam per Brevia nostra ad diversas Curias nostras arrestantur, attachiantur, trahantur, et super Placitis et Transgressionibus prædictis molestantur quotidiè et gravantur ad grave Damnum Studii et Facultatum suarum et contra Chartam dicti Domini Regis et Libertatum in eâ Chartâ, ut supradictum, est, concessarum.

Nos, pio et quieto studiosorum Voto ac Tranquillitati in
hac Parte consulere ac providere volentes, ac Gratiam fa-
cere specialem, dedimus et concessimus, ac ex certâ Scien-
tiâ et mero Motu nostris per præsentes, pro Nobis, Hære-
dibus et Successoribus nostris damus et concedimus præfatis*
Cancellario, Magistris, et Scholaribus, et Successoribus
suis in perpetuum, quod ipsi et eorum Loca tenentes pro
Tempore existentes coram seipsis habeant cognitionem om-
nium et omni modorum Placitorum personalium, tam Debi-
torum, Computorum, et omnium aliorum Contractuum
quorumcunq. et Injuriarum, quam Transgressionum contra
Pacem, Misprisionum quarumcunq. ut prædictum est, infra
Villam prædictam et Suburbia ejusdem initiorum et factorum,
sive aliquo Tempore in posterum faciendorum vel ineundo-
rum (Mahemio et Feloniâ duntaxat exceptis) ubi et quando-
cunq. aliquis Magister, vel Scholaris, vel serviens Scholaris,
aut communis Minister dictæ Universitatis unus Partium fue-
rit. Et omnia et singula hujusmodi Placita et Transgressio-
nes *prædicti Cancellarii, et Scholares, et eorum Loca
tenentes, et Successores sui audiant, teneant, et finaliter
determinent, ubicunq. infra Villam, et Suburbia ejusdem
Villæ placuerit: Et inde Executionem faciant secundum
Leges et Consuetudines suas antehac usitatas. Et Quod
Curia dicti Cancellarii, Magistrorum, et Scholarium, super
hujusmodi Placitis et Transgressionibus prædictis sit Curia
de Recordo. Et quod de hujusmodi Actionibus, Querelis,
Sectis et Transgressionibus tam ex Officio, quam ad Sectam
Partis secundum Leges et Consuetudines prædictas inqui-
rant et cognoscant audiant et finaliter determinent eisdem
modo et Formâ, prout ante hac Tempora usi fuerunt. Ac,
tam per Amerciamenta secundum sanas Discretiones suas
imponenda, quam per Imprisonamenta Corporum delin-
quentium, contumacium et Reorum, ad compellendos om-
nes et singulos delinquentes et defendantes in hujusmodi
Actionibus, Querelis, et Transgressionibus comparend.
et respondend. in eisdem Actionibus, Querelis, et Trans-

Cognitio Placi-
torum persona-
lium.

*Above, the
Chan. Masters,
& Scholars,
here the Chan.
& Scholars only.
The Charter of
Rich. 2d, above,
is not liable to
this Exception.

Curia Cancella-
rii de Recordo
Curia.

Coercio con-
victorum ad
satisfaciend.

Justiciarii faci-
ent Allocatio-
nem hujus
Chartar.

Non Usus.

gressionibus. Et si aliquis delinquens aut defendens, seu aliqui delinquentes seu defendantes in aliqua hujusmodi Actione, Querela, seu Transgressione convictus fuerit, seu convicti fuerint ad compellendos omnes et singulos hujusmodi delinquentes, reos, et defendantes ad satisfaciendum de omnibus unde convicti fuerint, seu eorum aliquis convictus fuerit secundum Leges et consuetudines dictæ Universitatis antehac Usitatas, vel secundum Statuta hujus Regni Angliae jām edita seu in posterum edenda. Et Quod tam Justiciarii ad Placita coram Nobis, Hæredibus et Successoribus nostris tenenda assignati et assignandi; Et Justiciarii nostri, Hæredum, et Successorum nostrorum de Banco, quam alii Judices quicunq. in Præsentia et Absentia nostrâ, Hæredum, et Successorum nostrorum dicto Cancellario et ejus Successoribus, eorumq. Loca tenentibus de omnimodiis Placitis prædictis Allocationem faciant absq. Difficultate vel Impedimento aliquali. Et Quod nullus Justiciarius seu Judex in Præsentia vel Absentia nostrâ, Hæredum, vel Successorum nostrorum, Vicecomes, Major, Ballivus, seu alias Minister de Placitis illis, seu aliquo eorundem se intronittat, nec Partem ad respondendum coram ipsis ponat; sed quod Pars illa coram præfato Cancellario, et Successoribus suis, seu eorum Loca tenentibus inde solummodo justificetur et puniatur in Forma prædictâ, et non alibi, neq. alio Modo. Et Quod omnia et singula Brevia super hujusmodi Placitis, et Transgressionibus contra hanc Concessiōnem nostram facta seu fienda sint ipso Jure nulla.

Et ulterius, volumus, ac per præsentes de Gratia nostrâ speciali, ac ex certâ Scientia et mero motu nostris pro nobis, Hæredibus, et Successoribus nostris damus et concedimus præfatis Cancellario, Magistris et Scholaribus Universitatis prædictæ, et Successoribus suis, quod licet ipsi aliquâ vel aliquibus Libertatum, Franchesiarum, Privilegiorum et Immunitatum in aliquibus Chartis seu Literis patentibus aliquorum Progenitorum nostrorum Regum Angliae specificatis hactenus usi non fuerunt, aut illis eisdem Libertatibus,

Franchesii, Privilegiis, seu Immunitatibus aut istis nostris in praesenti Chartâ concessis seu aliqua earum in posterum non utentur, ipsi tamen et eorum Successores Libertatibus, Franchesii, Privilegiis, et Immunitatibus illis et eorum qualibet sine Occasione vel Impedimento nostri, Hæredum, vel Successorum nostrorum, Justiciariorum, Escaetorum, Vicecomitum aut aliorum Ballivorum, seu Ministrorum nostrorum, Hæredum vel Successorum nostrorum quorumcunq. de cætero plenè habeant, teneant, gaudeant et Utantur.

Preterea nos volentes cum eisdem Cancellario, Magistris, et Scholaribus Gratiam facere ampliorem, de Gratiâ nostra speciali ac ex certâ Scientiâ et mero Motu nostris perdonavimus, relaxavimus, et remisimus, ac per præsentes pro nobis, Hæredibus, et Successoribus nostris perdonamus, remittimus, et relaxamus præfatis Cancellario, Magistris, et Scholaribus omnes et singulos non Usus et Abusus quarumcunq. Libertatum, Franchesiarum, Privilegiorum, et Immunitatum in quibuscunq. Chartis et Literis patentibus aliquorum Progenitorum nostrorum Regum Anglie, nec non omnes et singulos non Usus et Abusus Omnia et singulorum Libertatum, Franchesiarum, Privilegiorum, et Immunitatum nostrorum in praesenti Charta concessorum, et omnes et singulos Contemptus, Negligentias, Pænalitates, et alias Offensas quascunq. in quas iidem Cancellarius, Magistri et Schoiares Ratione vel Occasione non Usus vel Abusus Libertatum, Franchesiarum, et Immunitatum prædictarum penes nos et Successores nostros incurrere potuissent, vel poterint, debuissent vel debebunt; et eadem Libertates, Franchesias, Privilegia et Immunitates pro Nobis, Hæredibus, et Successoribus nostris, damus, concedimus, restituimus et confirmamus eisdem per præsentes.

Et Ulterius nos volentes ampliorem Gratiam præfatis Cancellario, Magistris, et Scholaribus Universitatis prædictæ facere, de Gratiâ nostrâ speciali, ac ex certâ Scientiâ et mero Motu nostris, pro nobis, Hæredibus, et Successoribus nostris damus et concedimus præfatis Cancellario, Ma-

Perdonatio non
Usus et Abusus.

**Quod Scholares
non arctentur
ad Monstratio-
nes, Ang. Mu-
ters.**

**Sed liberi sint
per Ostensio-
nem hujus
Chartæ.**

gistris, et Scholaribus Universitatis prædictæ et Successori-
bus suis in perpetuum Libertates, Privilegia et Exemptiones
subscriptas, videlicet. Quod nullus Scholaris, aut alia Per-
sona quæcunq. studens, aut qui bonarum Literarum Causâ
in prædicta Universitate nunc est, aut qui in posterum erit,
nec aliquis Serviens, aut Minister alicujus eorum, neq. aliquis
Officiarius, Serviens, seu Minister prædictorum Cancellarii,
Magistrorum, et Scholarium Universitatis prædictæ, aut Suc-
cessorum suorum, aut Serviens alicujus eorum ad aliquod
Tempus in posterum compellatur seu arctetur ad comparen-
dum seu veniendum coram aliquibus Justiciariis, Commis-
sionariis, seu Ministris nostris, Hæredum, vel Successorum
nostrorum, aut coram aliquo eorum ad Monstrationes Ho-
minum pro Guerrâ, vel aliter quovis Modo capiendas seu ha-
bendas in Comitatu Cantebrigiæ, aut in prædictâ Villâ, vel
alibi. Sed quod omnes et singuli Scholares, et Personæ
studentes, aut bonarum Literarum Causa commorantes in
dictâ Universitate, ac Servientes, et Ministri eorum cujus-
libet, ac Officiariorum Servientes, et Ministri prædicti Can-
cellarii, Magistrorum et Scholarium, et eorum Servientes
quoad comparendum seu veniendum coram aliquibus Justici-
ariis, Commissionariis, seu Ministris nostris, vel quocunq.
Justiciario, Commissionario, seu Ministro nostro, Hæredum
vel Successorum nostrorum ad Monstrationes Hominum
quovis Modo capiendas seu habendas, et de omnibus et om-
nimodis Offensis, Contemptibus, Transgressionibus, Foris-
facturis, et Deperditis illos tangentibus, seu concorrentibus
pro Absentiâ hujusmodi sint et quilibet eorum sit de Tem-
pore in Tempus per solam Ostensionem harum Literarum
nostrarum Patentium penitus exonerati et quieti per præsen-
tes. Aut quod nullus Scholaris, aut Minister, seu Serviens
Cancellarii, Magistrorum, et Scholarium Universitatis præ-
dictæ, aut Successorum suorum, aut Servientes alicujus
eorum posthac cogatur dare aut contribuere aliquas Ex-
pensas, aut Sumptus aliquos facere ad monstrationes Homi-
num, aut circa Præparationem aut Missionem aliquorum

Hominum ad Guerram, sed quod ab omnibus hujusmodi Expensis, Sumptibus, et contributionibus sint et eorum qui libet sit de Tempore in tempus immunis et liber. Ac quod nullus serviens, Officiarius seu Minister nostri, Hæredum, vel Successorum nostrorum, vel aliqua alia Persona Ratione Commissionis seu Mandati nostri, Hæredum vel Successorum nostrorum pro nobis Hæredibus, et successoribus nostris, aut ad Negotia nostra, Hæredum, vel Successorum nostrorum facienda seu exequenda vel alitèr quovis Modo ad aliquod Tempus in posterum utatur seu capiat aliquem Equum seu Equos alicujus Scholaris seu alterius Studentis cujuscunq. aut communis Ministri, aut Servientis illorum in prædictâ Universitate Cantebrigiae, vel alicujus Officiarii, Servientis, sive Ministri alicujus Scholaris, sive alicujus Personæ cujuscunq. Studentis in dictâ Universitate sive Servientis eorum alicujus. Et si per aliquem Officiarium, Servientem seu Ministrum nostrum, Hæredum vel Successorum nostrorum, seu aliquam aliam Personam Ratione Commissionis suæ contra factum fuerit, tunc bene licebit præfatis Cancellario, Magistris, et Scholaribus, et Successoribus suis, per seipso seu Ministros suos, seu per eorum aliquem contradicere, et quolibet legali modo resistere eisdem et eorum cuilibet absq. Molestatione, Impetione, Perturbatione, seu Vexatione nostri, Hæredum vel Successorum nostrorum. Et quod nullus Serviens, Officiarius seu Minister nostri, Hæredum, vel Successorum nostrorum Ratione Commissionis seu mandati nostri, Hæredum vel Successorum nostrorum vel alitèr, nec aliquis communis Provisor, anglice vocatus a Purveyor or Powlter, ad aliquod Tempus in posterum emat seu capiat pro Familiâ nostrâ, vel pro nobis, Hæredibus, vel Successoribus nostris, vel ad Usum nostrum, Hæredum vel Successorum nostrorum, vel pro aliquibus aliis Personis, vel ad Usum alicujus aliæ Personæ aliqua Victualia, seu aliquod Genus Victualium in prædictâ Villâ Cantabrigiæ vel Subur ejusdem, aut in Feriis aut Nundinis in Barnewell aut Sturbridge, aut ad eandem Villam vel Ferias venientia, vel ab

Quod Equus
Scholaris non
capiatur in
Usus Regis.

Provisores non
emant Victu-
alia in Villa
Cant. nec ver-
sus eam veni-
entia.

Nec infra 5
Millaria absq.
Licentia : re-
giis Provisori-
bus exceptis.

Delinquentibus
in hac Re licet
resistere.

Et Victualia
eorum in usus
Pauperum au-
ferre et ven-
dere.

Officium Cle-
riki Mercati.

aliquibus Collegiis vel Scholaribus, seu eorum Ministris vel Officiariis sine Fraude et Dolo infra quinq. millaria ejusdem Villæ priùs empta seu provisa. Et Quod nullus hujusmodi communis Provisor aut Pullarius (Provisoribus nostris, Hæredum, vel Successorum nostrorum omnino exceptis) capiat pro se vel pro aliquibus aliis Personis aliqua hujusmodi victualia infra quinq. millaria ejusdem villæ Cantebrigiae circumquaq. Anglice vocata English Myles, absq. Licentia dictorum Cancellarii, Magistrorum, et Scholarium, et Successorum suorum Sigillo dictæ Universatis sigillatâ. Volentes et concedentes pro nobis, Hæredibus et Successoribus nostris præfatis Cancellario, Magistris, et Scholaribus, et Successoribus suis, quòd, si aliquis Serviens, Officiarius, seu Minister nostri, Hæredum, vel Successorum nostrorum, vel aliqua alia Persona quæcunq. ad aliquod Tempus in posterum præsumat attentare vel facere aliquid contra Formam seu Effectum istius præsentis nostræ concessionis, quòd tunc benè licebit præfatis Cancellario, Magistris, et Scholaribus et Successoribus suis per seipsos, aut per Officiarios, seu Ministros suos, sive per eorum aliquem omnibus et singulis hujusmodi Provisoribus et Pullariis quolibet legali modo contradicere et resistere. Ac hujusmodi Victualia, sic contra istam præsentem nostram Concessionem capta seu empta, auferre, ac aliis infra Villam prædictam justo Pretio vendere, ac Pecuniam inde provenientem in Usus Pauperum convertere, absq. Impetione, Molestatione, Perturbatione, Vexatione, Gravamine, seu Impedimento nostri, Hæredum, vel Successorum nostrorum.

Necnon de ampliori Gratia nostrâ ex certâ Scientiâ et mero motu nostris, volumus et concedimus pro nobis, Hæredibus, et Successoribus nostris per præsentes, quòd prædictus Cancellarius, Magistri, et Scholares Universitatis Cantebrigiae prædictæ et Successores sui de Tempore in Tempus in perpetuum soli et in solidum habeant, gaudeant, utantur, et teneant Officium Clerici Mercati nostri, Hæredum et Successorum nostrorum in prædictâ Villâ Cantebrigiae et Suburbiis

ejusdem Villæ Barnewell et Feriis tentis apud Barnewell et Starbridge in Suburiis ejusdem Villæ, ac gaudeant, agant, et exequi faciant in eisdem Villâ, Suburiis, et Feriis prædictis omnia et singula ad Officium Clerici Mercati nostri, Hæredum et Successorum nostrorum pertinentia seu spectantia. Ac Quod prædicti Cancellarius, Magistri, et Scholares, et Successores sui, et eorum Vices gerentes de Tempore in Tempus soli et in solidum habeant Potestatè inquirendi et cognoscendi de omnibus et singulis Forstallatoribus, Regratariis, et Ingrossatoribus, Anglice vocatis *Ingrossers*, in prædictâ Villa Cantabrigiæ et Suburiis prædictis, et super his Punitiōnem debitam faciendi secundum Leges et Consuetudines suas, vel secundum statuta et Actus Parliamenti jam edita seu in posterum edenda. Ac præterea, si ad aliquod Tempus in posterum monstrabitur seu declarabitur Cancellario dictæ Universitatis vel ejus Vicem gerenti pro Tempore existenti, quod aliqua Persona inhabitans in prædicta Villa Cantabrigiæ, aut in Suburiis aut Feriis ejusdem Villæ, ut prædictitur, existens, aut ad Mercatum, Ferias et Nundinas in prædictâ Villa aut Suburiis ejusdem tentas seu tenendas adveniens sive adventura pro Venditione Victualium in Domo seu Shopâ, vel alibi in eadem Villâ aut Suburiis ejusdem in Barnewell ac Sturbridge prædictis, aliquos Carnes seu Pisces quoscunq. corruptos vel insalubres, aut aliquid aliud corruptum Victuale. Quod tunc Cancellarius prædictæ Universitatis Cantabrigiæ vel ejus Vices gerens pro Tempore existens per seipsum, seu Officiarios, vel Ministros suos licet et impunè ingredi potest in eandem Domum, Shopam, aut alium Locum, ubi tales Carnes, Pisces, aut corruptum Victuale fore contigerit, et easdem Carnes et Pisces, et corruptum Victuale, et eorum quodlibet capere, sesire, et secum asportare, ac in publico Loco infra dictam Villam Cantabrigiæ vel Suburbia ejusdem comburere, aut ad aliquem alium usum secundum Discretiōnem suam convertere. Et si aliquæ Personæ vel Persona prædicto Cancellario vel ejus Vices gerenti pro Tempore existenti ad hoc faciendum et exercendum resistat, seu resis-

Inquisitiō de
Forstallatori-
bus et aliis.

See Stat 5.
Ed. 6. C. 15.
13. Eliz. C. 25

Eorundem Pun-
nitio juxta Le-
ges Universita-
tis et Statuta
Regni.

Scrutatio pro
corruptis Vic-
tualibus.

Quæ capienda
sunt et combu-
renda.

Resistentes in
hac re incarce-
randi.

tere aut resisti faciat seu faciant, quod tunc bene licebit eidem Cancellario vel ejus Vicem gerenti pro Tempore existenti quamlibet hujusmodi Personam sic resistentem imprisonare ad Voluntatem Cancellarii prædicti vel ejus Vicem gerentis pro Tempore existentis de Tempore in Tempus in perpetuum. Ac etiam damus et concedimus pro nobis, Hæredibus, et Successoribus nostris per præsentes prædictis Cancellario, Magistris, et Scholaribus dictæ Universitatis Cantebrigiaæ et Successoribus suis in perpetuum tam omnia et singula Victualia ad aliquod Tempus ex nunc in perpetuum in dictâ Villâ Cantebrigiaæ et Suburbiis ejusdem in Barnewell et Sturbridge prædictis seu in eorum aliquo vendita seu vendenda empta seu emenda, quæ Ratione communis Legis hujus regni nostri Angliae aut aliorum Statutorum sive Actuum Parliamenti, vel alicujus statuti sive Actûs Parliamenti forisfieri contigerit Rationibus vel Causis supradictis, quam omnia et omnimoda Fines et Amerciamenta fienda seu solvenda Ratione Venditionis hujusmodi Victualium quorumcunq. in eisdem Villa et Suburbiis ejusdem in Barnewell et Sturbridge prædictis, aut in eorum aliquo.

Scrutatio pro publicis Mulieribus, et aliis Personis de Malo suspectis.

Et Insuper volumus et pro nobis, Hæredibus, et Successoribus nostris per præsentes concedimus præfatis Cancellario, Magistris, et Scholaribus et Successoribus suis in perpetuum, quod benè licebit præfatis Cancellario, Magistris, et Scholaribus, et Successoribus suis per seipsos, aut per eorum Deputatos, Officiarios, Servientes, et Ministros, seu per eorum aliquem sive aliquos de Tempore in Tempus ad omnia Tempora tam in Die quam in Nocte ad eorum Beneplacitum ex nunc in perpetuum ad faciendum Scrutinium, Scrutacionem, et Inquisitionem tam per Diem quam per Noctem quotiescunq. et quandocunq. eis videbitur expedire in prædictâ Villâ Cantebrigiaæ et in Suburbiis ejusdem et in Barnewell et Sturbridge prædictis de et pro omnibus et publicis Mulieribus, Pronubis, Vagabundis, et aliis Personis de Malo suspectis ad dictam Villam et Suburbia, Ferias, Mercatus, Nundinas, et Loca prædicta, seu ad eorum aliquem venientes

seu confluentes. Ac omnes et singulas illas Personas quas
 iidem Cancellarius, Magistri, et Scholares, aut eorum Suc-
 cessores, aut eorum Deputati, Officiarii, Servientes, et Mi-
 nistri, seu eorum aliqui seu quis super aliquod hujusmodi
 Scrutinium, Scrutationem, sive Inquisitionem reas seu suspec-
 tas de Malo invenerint puniendi per Imprisonamenta Corpo-
 rum suorum, Bannitionem, et aliter, prout Cancellario dictæ
 Universitatis Cantabrigiæ aut ejus Vicem gerenti pro Tem-
 pore existenti videbitur punire, absq. Impetione, Molesta-
 tione, Perturbatione, seu Gravamine nostri, Hæredum, vel
 Successorum nostrorum, aut aliquorum Officiariorum, seu
 Ministrorum, vel alicujus officiarii, seu Ministri nostris Hæ-
 redum, vel Successorum nostrorum, seu eorum alicujus,
 Statuto sive Actu Parlamenti jam edito seu in posterum
 edendo in aliquo non obstante. Ac etiam per præsentes
 mandamus, ac firmitèr injungendo præcipimus Majori, Bal-
 livi, ac aliis Officiariis, et Ministris prædictæ Villæ Cante-
 brigiæ, et aliis Personis quibuscunq. quod ipsi, seu eorum
 aliquis ad aliquod Tempus in posterum non impedian, seu
 impediatur, aut impedire faciant, aut faciat quovis modo præfa-
 tos Cancellarium, Magistros, et Scholares, aut eorum Succes-
 sores, vel eorum Deputatos, Officiarios, Servientes, seu Mi-
 nistros, seu eorum aliquem ad faciendum Scrutinium, Scruta-
 tionem, seu Inquisitionem in Formâ prædictâ. Sed si requi-
 siti fuerint, aut eorum aliquis requisitus fuerit per dictum
 Cancellarium aut ejus Locum tenentem, sive Deputatos vel
 Successores suos, seu per eorum aliquem ; Quod tunc om-
 nes et singulæ Personæ sic requisitæ adjuvabunt et adjuvabit
 auxiliantes sint et adjuvantes, et eorum quilibet sic requisitus
 sit auxilians præfatis Cancellario, Magistris, et Scholaribus,
 et Successoribus suis, ac eorum Deputatis, Officiariis, Servi-
 entibus, et Ministris ad faciendum Scrutinium, Scrutatio-
 nem, et Inquisitionem Modo et Formâ prædictis sub Pæna
 contemptus et incurriendi Indignationem nostri, Hæredum, et
 Successorum nostrorum.

Earundem Pu-
 nitio per Imprí-
 sonamentum,
 Bannitionem,
 vel aliter.

Major et Bal-
 livi Scrutatio-
 nem non im-
 pediant.

Sed, requisiti a
 V. Cancellario,
 eandem adju-
 vent, sub Pæna
 Contemptū.

Potestas eli-
gendi, singulis
Annis. duode-
cim Prædica-
tores.

Hiprädicabunt
ubicunq. sine
Licentia Ordin-
nariorum.

Cancellarius
clamare possit
Scholarem
propter Feloni-
as, Mahemia,
&c. per Laicum
imprisonatum.

See the Univer-
sity's Proceed-
ings upon this
Part of the
Charter, in Ta-
bor's Book, f.
726.

Et ulterius de Gratia nostrâ speciali, ac ex certâ Scientia et mero Motu nostris, pro Nobis, Hæredibus, et Successoribus nostris damus et concedimus præfatis Cancellario, Magistris, et Scholaribus, et Successoribus suis, quod ipsi et eorum Successores, juxta Consuetudinem suam laudabilem antehac ibidem usitatam, ac Privilegia in ea Parte indulta, in perpetuum habeant Authoritatem et Facultatem eligendi et emittendi singulis Annis duodecim Doctores, Magistros, sive Graduatos ad prædicandi Officium idoneos, qui sic electi, et sub Universitatis prædictæ Sigillo communi admissi ubicunq. in et per totum Regnum nostrum Angliæ et Hiberniæ Pupo et Clero Verbum Dei prædicare et seminare poterint Licentia Ordinariorum Locorum super hoc priùs minimè re quisita.

Præterea, de uberiori Gratia nostrâ, pro majori Securitate et Quietè Universitatis prædictæ, ac Cancellarii, Magistrorum, et Scholarium ejusdem pro Tempore existentium, concedimus eisdem nunc Cancellario, Magistris, et Scholaribus, et Successoribus suis in perpetuum; Quod, si Cancellarius, vel ejus Locum Tenens, Magistri, Scholares, Oficiarii, Ministri, vel eorum Servientes, seu alia Persona quæcunq. sub vel de Privilegio ejusdem Universitatis pro Tempore existens, coram Justiciariis ad Placita coram nobis tenenda, Justiciariis ad Assisas, Justiciariis ad Gaolas deliberandas, vel Justiciariis ad Felonias et alia Malefacta audienda et terminanda assignatis et assignandis, Justiciariis Pacis, seu aliis Justiciariis, Coronatoribus, Seneschallis, et Mareschallis Hospiti nostri et Hæredum nostrorum, Vicecomitibus, et aliis Justiciariis, sive Commissionariis, vel Ministris nostris vel Hæredum nostrorum quibuscunq. aut coram Majore, seu Ballivis Villæ Cantebrigiæ prædictæ per laicas Gentes infra eandem Villam vel Suburbia ejusdem, vel infra Comitatum Cantebrigiæ de aliquibus Proditionibus, Insurrectionibus, Feloniis, Murdris, vel Mahemius infra Comitatum Cante-

brigia, vel Villam Cantebrigiae, vel Suburbia ejusdem ante hæc Tempora factis, vel exnunc faciendis indictatus, rectatus, vel appellatus existit, aut in futurum indictari, rectari, vel appellari contigerit, et postmodum Vigore hujusmodi Indictamenti, Rect. vel Appellationis arrestatus vel Imprisonatus fuerit infra Comitatum Cantebrigiae, vel Villam Cantebrigiae, aut Præcinctus vel Suburbia ejusdem vel alibi; Tunc, si Cancellarius Universitatis prædictæ, vel ejus Locum tenens pro Tempore existens sic ipsum arrestatum vel imprisonatum clamare, seu vendicare voluerit, ipse in cuius Custodia hujusmodi imprisonatus vel arrestatus existit, Corpus ejusdem Imprisonati vel arrestati Seneschallo Cancellarii dictæ Universitatis vel ejus Locum tenenti pro Tempore existenti, per Commissionem nostram sub Magno Sigillo nostro per Cancellarium nostrum vel Custodem dicti Sigilli pro Tempore existentem ex Officio suo concedendam, ad Nominationem et Ordinationem dicti Cancellarii ejusdem Universitatis, vel ejus Locum tenantis pro Tempore existentis in hac Parte, (si ille, qui sit dicto Cancellario nostro, sive Custodi Sigilli nostri vel Hæredum nostrorum nominandus, ordinandus, et præficiendus per Cancellarium dictæ Universitatis vel ejus Locum tenentem pro Tempore existentem, eidem Cancellario sive Custodi ad hoc videbitur habilis et sufficiens) statim post hujusmodi Clameum sive Vendicationem factam et faciendam sub Pæna Forisfacturæ ducentarum Librarum (unâ Medietate inde nobis et Hæredibus nostris, et alterâ Medietate inde ad Usum et Proficuum Universitatis prædictæ) tradet seu deliberabit. Ipsiq. in quorum Custodia indictatus, rectatus, vel appellatus per quod hujusmodi imprisonatus, vel arrestatus indictatur, rectatur, vel appellatur pro Tempore extiterit indictatus, rectatus, vel appellatus illud coram præfato Seneschallo statim cum per ipsum Seneschallum inde fuerit requisitus cum Processu et omnimodis aliis illud tangentibus sub Pæna prædictâ in Formâ prædictâ solvendis mitti facient seu deliberari; Ita quod idem imprisonatus vel arrestatus sit rectatus in hac lo accusanda.

Sic clamatus,
Seneschallo
Cancellarii tra-
dendus est sub
Pæna 200*lb.*

Parte coram dicto Seneschallo, si nos versus eum loqui voluerimus, vel aliquis alius loqui voluerit, et non coram aliquo alio Judice quocunq. Et si idem arrestatus vel imprisonatus super hujusmodi Indictamentum, Rect. Appellationem placitet ad Verificationem sive Inquisitionem Patriæ; tum prædictus Seneschallus inde faciat Processum per Præceptum sub Sigillo suo Vicecomiti Comitatūs prædicti dirigidum, ad venire faciendum coram dicto Seneschallo apud le Tolbothe prædictum ad certum Diem per ipsum Seneschallum præfigendum et assignandum decem et octo probos et legales Homines de Vicineto Loci ubi hujusmodi Proditio, Insurrectio, Felonia, Murdrum, vel Mahemium per hujusmodo indictatum, rectatum, vel appellatum supponitur fore factum. Et quod idem Vicecomes Præcepta illa coram præfato Seneschallo ad Diem prædictum debitè returnet sub Pæna quadrigenta Librarum in Formâ prædictâ similitèr solvendarum. Et etiam quod idem Seneschallus similitèr faciat Processus per alia Præcepta Bedellis dictæ Universitatis dirigendis, ad venire faciendum coram eo apud le Tolbothe prædictum ad Diem prædictum, decem et octo probos et legales Homines laicos sub vel de Privilegio Universitatis prædictæ existentes. Quodq. prædictus Seneschallus, hujusmodi duobus Panellis coram eo sic returnatis, ulterius ad Deliberationem hujusmodi arrestati vel imprisonati per Verificationem sive Inquisitionem hujusmodi, (cujus quidem Verficationis sive Inquisitionis una medietas sit de prædictis Hominibus per Vicecomitem Comitatūs prædicti returnandis, et alia Medietas de prædictis hominibus laicis sub vel de Privilegio et Jurisdictione Universitatis prædictæ existentes, et per prædictos Bedellos returnandos) procedat, prout de Jure, et secundum Legem et Consuetudinem Regni nostri Angliae, ac Privilegia, Libertates et Consuetudines Universitatis prædictæ, ac Vigore præsentium fuerit faciendum. Et si hujusmodi arrestatus vel Imprisonatus coram dicto Seneschallo allocutus, allegaverit se fore Clericum, seu aliquid aliud per quod Privilegio Ecclesiae gaudere debet, et

per Loci Ordinarium vel ejus Deputatum clamatus fuerit; Idem Seneschallus ipso ordinario vel Deputato suo liberari faciat, prout decet. Mandantes Majori, Ballivis, et Bur-gensibus Villæ nostræ Cantabrigiæ prädictæ et Successori-bus suis, ac Officiariis et Ministris suis sub consimili Pæna ducentarum Librarum in Formâ prädicta solvendarum, quoties in contrarium factum fuerit, quod ipsi et Succe-sores sui hujusmodi imprisonatum, arrestatum, indictatum, rectatum, vel appellatum ad Mandatum Seneschalli prädicti in Prisonam suam recipiant, ac salvò et securè custodi-ant donec contrarium Mandatum ab eodem recipient, ac quod sine Contradictione aliquâ permittent Seneschallum prädictum ad Diem seu Dies pro Verificatione, Inquisitione, Arraniamento, seu Triaitione prädictis per eum präfigendos seu assignandos, in Locum suum Communem, viz. in le Tolbothe prädictum intrare, ac ibidem ad Beneplacitum suum manere, sedere, ac judicare una cum Panellis prädictis, ad perficiendum, absolvendum, et exequendum omnia et singula, quæ circa prämissa seu aliquid prämissorum necessaria fuerint seu opportuna.

Ulterius de uberiori Gratia nostra, ac ex certa Scientiâ et mero Motu nostris pro Nobis, Hæredibus, et Successoribus nostris damus et concedimus Cancellario, Magistris, et Scholaribus prädictis et Successoribus suis, quod ipsi et Successores sui, et omnes et singuli Doctores, Magistri, Baccalaurei, Scholares, Officiarii, Servientes, communes Ministri, seu Servientes Scholarium qui nunc sunt, et qui aliquo Tempore in posterum erunt, ac in eadem Universi-tate, Villâ, vel Suburbiis ejusdem residencebunt, erunt, et per-manebunt, per solam ostensionem harum Literarum nostra-rum patentium liberi, quieti, et exonerati de omnibus et omnimodis Subsidiiis, Releviis, Exactionibus, Impositionibus, Contributionibus, et Denariorum Summis quibuscumq. nobis, Hæredibus, et Successoribus nostris in posterum conceden-dis, levandis, seu solvendis, aliquo Actu Parliamenti, sive Statuto, Ordinatione, Re, vel Causâ in contrarium inde-

Quod Major et Ballivi hujus-modi Clama-tum in Priso-nam suam reci-pient.

Et Seneschal-lum in suo le Tolbothe sede-re, et judicare permittant.

Quod Universi-tas Scholares, et eorum Mi-nistri sint liberi ab omnibus Subsidiiis.

Excepto anno
Redditū decem
Librarum.

Quod Præcinctus
Universitatis
sint unum
Milliare Villæ
undequaque.

Quod Cancellarius,
vel ejus
Locum tenens
omnes prædictas
Libertates
uti possit.

facto seu siendo non obstante ; Salvo semper Nobis, Hæredibus, et Successoribus nostris anno Reditu decem Librarum nobis, Hæredibus, et Successoribus nostris solvendarum per dictum Cancellarium, Magistros et Scholares pro Assisi et Assisi Panis et aliorum Victualium debito.

Et quia ex humili Insinuatione dilectorum nostrorum Cancellarii, Magistrorum, et Scholarium Universitatis prædictæ Cantebrigiæ intelleximus, quod ipsi et Predecessores sui, pro eo quod Præcinctus sive Suburbia Villæ Cantebrigiæ prædictæ per certas Metas et Bundas in speciali in Chartis et Confirmationibus sibi in ea Parte factis et concessis non limitantur, ac pro eo quod quædam de Libertatibus et Privilegiis sibi concessis sub verbis generalibus conceduntur, saepius fuerunt et sunt impediti, quo minus ipsi Libertatibus et Privilegiis illis juxta piam Intentionem Progenitorum nostrorum prædict. uti possint, et gaudere. Nos Universitatem nostram prædictam in omnibus Libertatibus et Privilegiis suis juxta Formam et Effectum eorundem protegere et defendere, ac omnes Ambiguitates et Controversias in futurum delere volentes, de Gratia nostrâ speciali, ac ex certâ Scientiâ, et mero Motu nostris volumus et concedimus, et hac præsentî Chartâ nostrâ declaramus et confirmamus pro Nobis et Hæredibus nostris, quantum in Nobis est, quod Suburbia sive Præcinctus Universitatis prædictæ limitentur, fiant, sint, et se extendant per unum Milliare, Anglice vocatum an English Myle ejusdem Villæ circumquaque in perpetuum. Ac etiâ volumus et concedimus, et hac præsentî Chartâ nostrâ confirmamus pro Nobis et Hæredibus nostris, quantum in Nobis est, quod prædictus Cancellarius et Successores sui, aut eorum Loca tenentes omnia et singula Libertates et Privilegia prædicta tam in Præsenti quam in Absentiâ nostrâ et Hæredum nostrorum infra hujusmodi Præcinctus et Suburbia dictæ Universitatis per nos sic factos et limitatos habeant et teneant, ac eis et eorum quolibet plenè gaudeant et utantur in perpetuum.

In cuius Rei Testimonium has Literas nostras fieri fecimus Patentes. Teste Meipsa apud Westm. 20^o. Die Aprilis, Anno Regni nostri 3^{ro}.

From Hare, vol. 3. f. 122.

BY THE QUEEN.

A.N. D. 1561.

THE Queen's Majesty, considering how the Pallaces & Howses as well of Cathedrall Churches as of Colleges of this Realm, have been both of auntient & late Time bilded & enclosed in Severalty to sustain & keep Societies of learned Men professing Study & Prayer for the Edification of the Church of God, & so consequently to serve the Commonwealth. And understanding of late, that within certain of the same Houses as well the cheif Governors, as the Prebendaries, Students, & Members thereof being married, do keep particular Households with their Wives, Children, & Nurses, whereof no small Offence groweth to the Intent of the Founders, & to the quiet & orderly Profession of Study & Learning within the same. Her Majesty therefore hath thought meet to provide Remedy herein, least by Sufferance thereof, the Rest of the Colleges, specially such as be so replenished with young Students as the very Rooms & Buildings be not answerable for such Families & young Children, should follow the like Example. And therefore expressly willeth & commandeth, that no Manner of Person being either the Head or Member of any College, or Cathedrall Church within this Realm, shall from the Time of the Notification hereof in the same College have, or be permitted to

That no Member of a College keep his Wife or Family in the same.

have within the Precincts of any such College his Wife or other Woman to abide & dwell in the same, or to frequent & haunt any Lodgings within the same College, upon Pain, that whosoever shall do the contrary shall forfeit all ecclesiastical Promotions in any Cathedrall or Collegiate Church or College within this Realm. And for Continuance of this Order, her Majesty willeth, that the Transcript hereof shall be reputed as Parcell of the Statutes of the same, & so observed.

Given under our Signett at our Town of Ipswich, the 9th. Day of August in the 3^d. Year of our Reign.

From Hare, vol. 3. f. 131.

An Opinion of the two cheif Justices, touching the Nomination of Vintners, & settling of Prices upon Wines in the University, declared upon Occasion of Suit commenced against the University by Mr. Walter Rawleigh.

FIRST touching the Nomination of Vintners there. We think it pertaineth to the University by Usage, & Charters from her Majesty confirmed by Parliament, & that Mr. Rawleigh can nominate none there.

For the Price: It seemeth they may set Prices, so as it be according to the Statutes, & not otherwise: So as, if the Vintners sell at higher Prices, they are to be punish'd by Law, which Penalty Mr. Rawleigh may dispence withall; & yet cannot sue for the Penaltie by his Grant against the

Statute Laws ; for therein all Liberties of the University are excepted.

CHRISTOPHER WRAY.

EDMUND ANDERSON.

From Hare, vol. 3, f. 144.

Charta Regina Eliz. An. Reg. 31°. continet hæc omnia quæ sequuntur.

1°. QUOD Universitas Cantab. in Nundinis de Sturbridge habeat Officium Clerici Mercatus, Assisam et Assiam Panis, Vini, et Cervisiæ, Tentationem et Supervisum Mensurarum et Ponderum, et Jus inquirendi de Forstallationibus, Regratationibus, et Ingrossationibus, et horum omnium Correctionem et Punctionem cum Amerciamentis : et quod hæc omnia exerceant per se vel Ministros suos.

2°. Quod in iisdem Nundinis Scrutationem faciant Officarii Universitatis pro Meretricibus et aliis Personis de Malo suspectis, et easdem puniant per Imprisonamenta vel aliter.

3°. Quod Cancellarius et Major alternis Vicibus primam facient Proclamationem dictarum Nundinarum ; et quod hæc fiat 7^{mo}. Die Sept. ante Horam undecimam.

4°. Quod Personæ sub Privilegio Universitatis non pendant Vectigalia aliqua in iisdem Nundinis.

5°. Quod Universitas coram Commissario suo habeat Cognitionem Placitorum personalium in his Nundinis, inter extraneos, si Actor Commissarium in Judicem elegerit, et omnium omnino Placitorum personalium ubi Persona sub Privilegio Universitatis una Pars erit.

6. Quod Major habeat Cognitionem Placitorum de Contractu Victualium in iisdem Nundinis inter Burgensem et Burgensem, et inter Burgensem et extraneum ubi Burgensis est Actor, aut inter extraneos, si Actor Majorem in Judicem elegerit.

7. Quod Curia hæc Universitatis sit Curia de Recordo; et quod infra Præcinctus Feriæ teneantur.

8. Quod Commissarius tam ex Officio quam ad Sectam Partis cognoscat, et Judicet secundum Leges et Statuta Regni, vel secundum Leges et Consuetudines Universitatis in dictis Nundinis antehac usitatas: et quod idem compellat omnes tum ad apparendum, tum ad Satisfaciendum per Amerciamenta, et Imprisonamenta.

9. Quod Commissarius commodum inter easdem Nundinas Locum habeat, nimirum vel Locum consuetum, vel, si is minus commodus fieri contigerit, alium per Majorem aut in ejus Defectu per Cancellariam assignandum.

10. Quod Universitas sola et in solidum habeat Jus inspicendi et explorandi Victualia, cum Amerciamentis, et gaugandi Dolia et cætera quæcunq.

11. Quod reliquæ Merces in dictis Nundinis inspiciantur, et scrutentur per quatuor Homines per Cancellarium et Majorem ad id assignandos: et quod Forisfacturæ ex his Scrutationibus ortæ æqualiter inter Universitatem et Burgum dividantur.

12. Quod omnes Lites ex dictis Scrutationibus ortæ primo Anno per Commissarium, proximo per Majorem decidantur, et sic deinceps, alternis Vicibus in perpetuum; ita tamen ut semper liceat Majori, Commissario, et Commissario, Majori in his Litibus assidere et assistere.

13. Quod omnia Universitatis Privilegia, in Nundinis de Sturbridg antehac concessa, vel per majorem Partem viaginæ Annorum proximè elapsorum habita, confirmentur.

14. Quod omnes illi Privilegiis Scholarium gaudeant, qui per Compositionem inter Universitatem et Oppidum

An. 17°. Henri 7th. privilegiati declarantur : et alii etiam permulti, de quibus hic speciatim.

15. Quod Magistri Collegiorum, Doctores, Lectores regii, Procuratores, et alii licet possint retinere, Anglicè reteyne, quilibet certum Numerum Retinendorum Anglicè of Reteyners, actu aliquo Parlamenti non obstante.

Vid. Blount's
Dict. on the
Word Reteiner.

From Hare, vol. 3. f. 154.

Ex Charta Jacobi I.th De Burgensibus.

Cum in Collegiis Academie nostrae Cantabrigiensis multe sunt Statuta localia, Constitutiones, Ordinationes, Jura et Instituta,—quæ Virtute Juramenti sunt observanda et manuteneenda,—cumq. Temporibus retroactis, præcipueq. numeris multa Statuta et Actus Parlamenti facta fuerunt hæc eadem concernentia :—Idcirco Operæ Pretium et necessarium videtur, quod dicta Universitas—habeat Burgenses Parlamenti de seipsis, qui de Tempore in Tempus supremæ illæ Curiae Parlamenti notum facient verum Statum ejusdem Universitatis, et cuiuslibet Collegii, Aulæ, et Hospitiū ibidem, ita ut nullum Statutum aut Actus generalis illis aut eorum alicui privatim sine justâ et debitâ Notitia et Informatione in ea Parte habitâ præjudicet aut noceat.—Sciatis igitur quod nos—de Gratia nostrâ speciali—per presentes pro nobis Hæredibus et Successoribus nostris volumus et concedimus Cancellario, Magistris, et Scholaribus Universitatis Cantabrigie et Successoribus suis,—quod sint et erint in dictâ Universitate nostrâ Cantabrigie duo Burgenses Parlamenti ;—quodq. predicti Cancellarius, Magistri et Scholares Universitatis Cantabrigie, et Successores sui, Virtute Praecepti, Mandati, seu Processus super Breve nostri, Hæredum, et Successorum nostrorum in ea Parte debite directi, habeant et

habebunt Potestatem, Authoritatem, et Facultatem eligendi et nominandi duos de discretioribus et magis sufficientibus viris de predictâ Universitate pro tempore existentibus fore Burgenses Parliamenti:—eosdemq. Burgenses sic electos ad Onera et Custagia dictorum Cancellarii, Magistrorum, et Scholarium Universitatis Cantabrigiae et Successorum suorum pro Tempore existentium mittere in Parliamentum, eisdem Modo et Formâ prout in aliis Locis, Civitatibus, Burgis sive Villis Regni nostri Angliae usitatum et consuetum est. Quos quidem Burgenses sic electos et nominatos volumus interesse et Moram facere ad Parliamentum,—prout alii Burgenses Parliamenti faciant, seu facere consueverunt. Et qui quidem Burgenses in hujusmodi Parliamento—habebunt voces suas tam affirmativas quam negativas, cæteraq. omnia et singula ibidein facient et exequantur ut alii Burgenses quicunq.—habeant, faciant, et exequantur, aut habere, facere, et exequi valeant.—

From Hare, Vol. 3. f. 170.

*Charta Jacobi I.^m An. 1604, continet hæc omnia
quæ sequuntur.*

1. Quod Concessiones omnes et Chartæ, Universitati antehac concessæ, confirmantur.
2. Quod Cancellarius habeat Cognitionem omnium Placitorum personalium ubi Persona privilegiata aut aliquod Collegium una Partium fuerit.
3. Quod Cancellarius vel in ejus Absentiâ Procancellarius ab eodem ad hoc specialiter deputatus, in omnibus Collegiis, quibus Visitator specialis alter non est constitutus, sit ordinarius Visitator; et in singulis hujusmodi Collegiis, quoties ei opus videbitur, visitet; et juxta Statuta et Ordinationes ejusq. Collegii summarie determinet; et quod ab

ejusdem Sententia definitivâ sive interlocutoriâ nulla sit Appellatio, nisi ad Senatum Academiæ; cuius Sententia erit finalis.

4. Quod nulla Persona sub Privilegiō Universitatis, et in eadem commorans, ponatur in aliquibus Assisis, seu Juratis.

5. Quod Officiari Universitatis Scrutinium faciant ad eorum Beneplacitum pro Mulieribus publicis, nocturnis Scholaribus, et Vagabundis, qui honestam Causam Commorantę suę in Villā vel Suburbiis ostendere et probare non possunt: et quod eadem puniantur per Imprisonamentum, Bannitionem vel aliter prout Vice-cancellario videbitur.

6. Quod Major, Ballivi, et præsertim Constabularii sint auxiliantes Officiariis Universitatis in dicto Scrutinio faciendo, si ab iisdem ad id requisiti fuerint sub Pæna Contemptū.

7. Quod, si quis Histrionum Ludos, Funambulorum Exercitia, vel alia Certamina contentiosa, vel Spectacula otiosa quæcunq. Lucri Causa Populo monstrari solita, infra Villam Cantebrig. vel quinq. Millaria ejusdem exhibeat, statim per Officiarios Universitatis inhibeatur et exterminetur; et si refractarius fuerit ab iisdem incarceretur. Et quod hujusmodi Nugas V. Cancellarius non licentiet, nec toleret.

8. Quod quælibet Persona privilegiata faciat quamcunq. Mercaturam, et exerceat quodcunq. Artificium manuale, vel aliud in Villa et Suburbiis Cantabrigiæ æquè liberè et quietè ac Burgenses ibidem.

9. Quod Suburbia sive Præcinctus Universitatis ab extenis undiquaq. Ædificiis Villæ Cantebrigiae incipient, et ad mille Passus Anglicanos per rectam Lineam directe mensurandos se extendant.

10. Quod Universitas licetè possit perquirere et recipere Terras, Tenementa, &c. ad clarum annum Valorem ducendarum Librar.

The Precedency of the Vicechancellor.

The Judgment of the Earl of Essex Earl Marshall of England given upon Record and remaining in the Crown Office in these Words, viz.

I do set down this Judgment as Earl Marshall of England, and Judge by my Office of all Places & Precedencies; that the Vicechancellor of Cambridge is to be taken in Commission before the Mayor.

King James also an. 3d. of his Raigne by Letters under the Privy Signett commandeth the Lord Elsmere Chancellor of England to place the Vicechancellor before the Mayor in all Commissions of the Peace or otherwise where publick Shew of Degrees is to be made.

See 2d. Vol. Hare fol. 149. Vicechan. Copy.

*An Order of the Lords of the Privy Council
An. 1612.*

Chesterton
within the
limits of the Uni-
ver.

Forasmuch as Learning hath anciently had this special Favour & Privilege, that upon any Occasion of Grievance or Complaint offer'd unto the two Universities of this Realm, whensoever they have made their immediate Recourse to the King or his Council for speedy Redress & for avoiding Length and Charges of Suit in an ordinary legall Proceeding of Justice, they have never been refused, but always graciously accepted. And whereas at this Time the V. Chancellor, Masters, & Scholers of the University of Cambridge,

concerning some Injury & Violence to be done unto their Privileges & Liberties by one Jo^e. Batisford Esq. & others, have humbly addressed themselves to us the Lords & others of his Majesties Privy Council to be therein relieved; & by their learned Council have this Day inform'd us, that having Power & Authority by Virtue of divers Charters from the Kings & Queens of this Land, his Majesties Predecessors, confirmed in like Manner by his Majesty himself, to search as well by Day as by Night in all Places within their Liberties for Vagabonds & other disorderly & suspected Persons, & to punish such Persons being found according to the Laws in those Cases provided. And that their Proctors having accordingly made search the 6th Day of Septem^b. last in Chesterton a Village near Cambridge, & within the Liberties of the University (as was alledged); & there apprehending divers Persons of lewd Conversation in the House of one Margarett Higford, committed them afterward to the Goal; some of the said disorder'd Persons complaining with the before-named John Batisford of Chesterton Esqr. & others upon Pretence that the University had no Jurisdiction within that Village, & that the Proctors, who made the Search, had therefore committed a Riot, did thereupon presume to preferr a Bill of Indictment against the said Proctors & their Company the last Quarter Sessions held 1^{mo}. Octobris for the County of Cambridge, which by the Grand Jury was found Billa Vera, only upon the said Pretence that the University had no Jurisdiction within that place, which was openly affirmed by way of Information to the Jury by Mr. Batisford then sitting upon the Bench, & one Story, Constable of that Hundred: unto which complaint the said Batisford being present at the Board, & required to make Answer, denied some Circumstances, as they were delivered, but for the Matter confessed the substance, as namely, that the disordered Persons before mention'd were by him bound over in a Recognizance to prosecute the said pretended Riot against the said University at the Quarter Sessions following; &

CHARTERS, BULLS, &c.

here again insisted & maintained, that the Jurisdiction of the University did not extend to the Village of Chesterton, which his learned Council did much labour to prove.

We thereupon entering into a due Consideration of what had been alledged, as well on the one Side as on the other, & having perused that Article of their Charter, which concerneth the Extent of their Jurisdiction, whereby it appear-
eth that the same reacheth an English Mile undequaq. ab extimis Villæ Ædificiis, & it being on all sides agreed upon, that the said Village of Chesterton is within the said Distance; It was therefore by us decreed & adjudged, that the said Village of Chesterton is within the Jurisdiction of the said University of Cambridge ; & that the Act of the Proctors in making Search there as aforesaid was lawfull ; & in that Respect they & their Company unlawfully molested for so doing ; for which Consideration it was accordingly order'd, that his Majesty's Attorney General should presently take a Course for the Stay of all Proceedings upon or by Colour of the said Judgment : and the said Mr. Batisford likewise admonish'd to carry himself hereafter towards the said University with more Respect, & to abstain seeking Quarrel or contention with a Body which hath ever found Love & Favour ; & may justly challenge it from all Persons of liberal & ingenuous Condition.

Precedency of
the Vicechan-
cellor.

Furthermore, whereas the said V. Chancellor, Masters, & Scholers of the University of Cambridge being zealous as well of the Honour as of the Jurisdiction of their University have in like manner complained unto us, that one Tho. Smart late Mayor of the Town of Cambridge did, at a Quarter Sessions lately holden in the Guildhall of the said Town, where both he & Mr. Dr. Goche V. Chancellor were to sit as Justices of the Peace, contend with the said V. Chancellor for Precedency of Place, notwithstanding the Example of almost 200 Years to the contrary, & a Judg-
ment given by the late Earl of Essex, Earl Marshall, now of Record, & also his Majesties express Pleasure signified unto

the Lord Chancellor, that as well in all Commissions as at any Meetings the said V. Chancellor should take Place of the Mayor of the said Town.

We for these Considerations & finding not any thing alledged to the contrary of Weight or Force sufficient, have declared & order'd, that the said V. Chancellor ought & is to take chief Place and Precedency of the Mayor at all Times and in all Places whatsoever, and that the Attempt of the said Mayor was an Injury and Disgrace offer'd to the University, whereof they had just Cause to complain. Given at his Majesties Palace at Westm'. the 20th day of Octo^b. 1612 and in the 10th Year of his Majesties Reign.

G. Cant.	H. Northampton.	T. Suffolk.
E. Worcester.	Pembroke.	Fenton.
E. Zouche.	E. Wotton.	E. Stanhope.
		G. Herbert. Ext.
		G. Calvert.

From Hare, vol. 3. f. 186.

The Precedency of the V. Chancellor determined by the House of Lords.

Die Mercurii, Maii 12^o. 1647.

The Lords assembled in Parliament having taken into consideration the difference about Precedency of place between the V. Chan. of the University of Camb. & the Mayor of the town of Cambridge; & having heard Councill, Witnesses, & Proofs on both sides, at this Barr, do after debate & mature deliberation decree, order, & adjudge, that the Precedency of place of right belongeth to the V. Chancellor of Camb. before the Mayor of the town of Camb.;

CHARTERS, BULLS, &c.

& do order that the said Precedency be enjoyed by the said V. Chan. & his Successors without any let or disturbance by the said Mayor or his Successors. And likewise it is hereby order'd that the Deed engross'd for the conveying of lands purchased with the 200lb. which Mr. Thompson gave by his last Will & Testament, to be employed in the Workhouse, for the setting the poor in Cambridge on work at the discretion of the V. Chan. & Mayor (wherein the said Mayor of the town of Camb. caused his name to be written before the V. Chan'. name in the said Deed) be cancelled, & forthwith made void: & that the said Mayor, upon the sight of this order, cause a new Deed to be made, wherein the V. Chan'. name shall be first placed, as of Right it ought: that so things in reference to the Workhouse in Camb. may be executed jointly by the V. Chan. & Mayor according to the tenor of the Will, and the intent of the Donor.

Jo. Brown Clericus Parliamentor.

From Tabor, f. 485.

At Whitehall the 4th of Dec. 1629.

Present

THE KING's MAJESTY.

L ^d . Keeper.	Ea. Holland.
L ^d . President.	L ^d . V. Dorchester.
Ea. Marshal.	Mr. of the Wards.
Ea. Suffolk.	L ^d . Treasurer.
Ea. Bridgwater.	L ^d . H. Chamb.
Ea. Kelly.	L ^d . Chamb.
L ^d . Bp. of Winton.	Ea. Salisbury.
L ^d . Archbp. of Yorke.	Ea. Danby.
L ^d . Priyy Seal.	L ^d . V. Grandison.
L ^d . Steward.	M ^r . V. Chamb.
Ea. Dorset.	M ^r . Secr. Cooke.

This day his Majesty sitting in council did hear at large the

controversy between the University of Camb. & certain Bur-
gers of the Town, concerning the rating & setting the price
of *Victualia*, and particularly of candles, and other necessaries
comprised under the term of *Focalia*; and of the conse-
quences lately fallen out upon that controversy: which hav-
ing been long debated by Council learned on both sides; his
Majesty finally ordered by Advice of the Board, that as well
the late Mayor & Bailiff, & W^m. Bridge, as Edward Almond,
John Ball, Jonas Scott, & Tho. Oliver shall acknowledge &
submitt themselves, by setting their hands to this order in the
Council Book, to the jurisdiction & privileges of the Univer-
sity, as well for the rating and setting a price of all kind of
Victuals & of Candles, & all other necessaries comprehended
under the term of *Focalia*; as for the correcting & punishing
of all such inhabitants of the town, as shall break and exceed
the said rate and prices, so set by the V. Chan. or such Offi-
cers of the University, as are in that behalf authorized.

And it is further order'd, that all the parties, fined by the
V. Chancellor, shall pay the fines; & such charges of the
court, as was set upon them by the V. Chan.; & shall make
public confession in the V. Chan. Court of their fault in
breaking the said rates & prices so set, & refusing to pay
the fines assessed upon them, & questioning the privileges
of the University. And as touching the discontinuing of any
of the persons in this order mentioned: It is order'd that
peace & agreement shall be settled between both parties,
according to performance of that respect & submission,
which is due from the inhabitants of the said town of Cam-
bridge to the said University.

About setting
the price of
Victualia, of
candles in par-
ticular.

Ex. WIL. BECHE,

From Tabor, f. 718.

At the Court at Whitehall, Dec. 18, 1669.

Present,

THE KING'S MOST EXCELLENT MAJESTY.

His R. Highness the Duke of Yorke.

His R. Highness Pr. Rupert.

L ^d . Archb ^r . of Cant.	L ^d . Hatton.
Ea. of Sandwich.	L ^d . Ashly.
Ea. of Craven.	M ^r . Secr. Trever.
Duke of Ormond.	Ea. of Bridgwater.
L ^d . Chamberlain.	Ea. of Carlisle.
L ^d . Berkley.	L ^d . Arlington.
M ^r . V. Chamberlain.	L ^d . G ^r . Chamberlain.
L ^d . Keeper.	L ^d . Newport.
Ea. of Bath.	M ^r . Treasurer.
L ^d . Bp. of London.	S ^r . John Duncomb.
Ea. of Ossery.	

That the Heads
prick for Bea-
dles.

See an Inter-
pretation of
Stat^r. 30 & 40
to this purpose,
in Tabor, f. 668.

Whereas M^r. Worts, M^r. of Arts, & Fellow of Caius Coll. in the University of Cambridge, did by his Petition complain to his Majesty in Councill, that being chosen to succeed Francis Hughes, deceased, in the place of Esq^r. Bedell, according to the Statute in that behalf, he was refused admission by D^r. Baldero, their V. Chan. & therefore praying relief; his Majesty was graciously pleased, by Order of the 17th. of Nov. last past, to summon the said D^r. Baldero, & all other partys concerned, to appear, & set forth the merits of the said cause before the Board: And the par-

tys accordingly meeting with councill learned on either side, it appeared that, upon the decease of the said Francis Hughes, two persons were nominated by the V. Chan. & other the heads of Houses, who being proposed to the congregation, that one of them Mr. John Peck, Fellow of St. John's College, had more votes than the other; & was consequently admitted into the Esq^r. Bedells place. And notwithstanding it was alledged, that the petitioner, M^r. Worts, had many more voices in the Congregation than any of the others; yet having not been nominated to the said place by the Heads of Houses, according to the antient custom, & constant usage ever since the making the statute in this behalf; his Majesty was pleased to declare his Election void. And for the final settlement of this & the like Elections in the future; he was pleased to order, & it is hereby order'd accordingly, that the nomination of the persons for the Esq^r. Bedells place, shall always remain in the Heads of Houses for the time being, & the Election only in the whole Senate of the University: which Election is to be out of the persons so nominated by the Heads of Houses, & no others. And it is further order'd, that the said John Peck be continued in the execution of his charge.

ROBERT SOUTHWELL.

From Mr. Mason's Book, f. 50.

At the Court at Hampton Court, Jul. 25, 1728.

Present,

THE KING'S MOST EXCELLENT MAJESTY.

Archbp. of Cant.	Visc. Townshend.
M^r. Chan. of the Excheq.	Ea. of Portmore.
Ea. of Hallifax.	Ea. of Ilay.
Ea. of Grantham.	Ea. of Uxbridge.
L^d. Steward.	Ea. of Scarborough.
L^d. Chamberlain.	L^d. President.
D. of Newcastle.	L. ten. Gen. of the Ord.
L^d. Chancellor.	Visc. Torrington.
L^d. Cheif Justice Eyre.	L^d. Finch Compt^r.

Mr. Treas. of the Household. Hen. Pelham, Esq.

The Election of
Mr. Bacon con-
firmed.

Upon reading this day at the board a Report from the Lords of the Committee of his Majesty's most honourable P. Councill, dated the 16th. of this Instant, in the words following, viz.

In obedience to your Majestie's Orders in Councill of the 19th. of last month, referring unto this Committee, the humble petition of the several Heads of Colleges, Doctors, & Masters of the University of Camb., whose names are thereto subscribed; & likewise the humble petition of Joⁿ. Bacon, of Camb. in the county of Camb.

Their Lordships this day took the said petitions into consideration, which set forth, that on Wednes-

day the 12th. of June last the said Jo^r. Bacon was duly chosen a Vintner for the said University of Camb. by a majority of legall & statutable votes; but that notwithstanding the said choice, Dr. Lambert the V. Chan. had ordered Tho. Whitstones to be declared duly elected vintner of the said University, to the manifest prejudice of the rights & privileges of the members of the said University: & therefore they prayed such releif in the premises, as to your Majesty's royall justice & wisdom should seem meet. And their Lordships, having thereupon heard the petitioners by their councill learned in the Law, & also councill in behalf of Dr. Lambert the V. Chan., & the said Tho. Whitstones: & having consider'd of the several Statutes & Graces made by the said University of Cambridge, for the better regulating of Elections in the said University, do find that in the year 1698, the following Grace was unanimously made by that University, viz. *cum ortæ sapi-
pius ob controversum suffragiorum jus, &c.*

And it being admitted on both sides, that if the said Grace was to be regarded as valid, & ought to have been observed at the said Election of a Vintner, the Majority of votes would fall upon Mr. Bacon; their Lordships proceeded to a particular consideration of the said Grace: & upon hearing what was alledged on all sides, their Lordships do agree, humbly to report, as their opinion, that the said Grace is very just & reasonable, & ought to have been regarded as good & valid; & that the said V. Chan. pursuant thereto, ought to have order'd the said Jo^r. Bacon to be declared duly elected; & to have affixed the University seal to the appointment of the said Jo^r. Bacon, to be a vintner of the said University in such manner as is usuall on the like occasions.

CHARTERS, BULLS, &c.

His Majesty in Council, taking the said report into consideration, was pleased to approve & confirm the same; & to order, as it is hereby order'd, that Dr. Lambert V. Chan. of the University of Camb. do cause the said Joⁿ. Bacon to be declared duly elected vintner of the said University, & the University seal to be affixed to an appointment of the said Joⁿ. Bacon, to be vintner of the said University in such manner as hath been usuall on the like occasions.

EDWARD SOUTHWELL.

From Gr. Book, An. 1728.

The Mayor's
Submission for
releasing the
V. Chanⁿ. pri-
soners.

WHEREAS I Edward Chapman, Mayor of the town of Camb. did upon the 26th of Feb. 1660, by error send my warrant for releasing of W^m. Land, Joⁿ. Devole, & James Delamot out of the Tolbooth Goale, to which they had been committed by the then V. Chan. Dr. Fern: I therefore, in satisfaction to the University, hereby acknowledge the error, & do promise not to do, or to my power sufferr any thing hereafter to be done, that may any ways infringe the Liberties or Privileges of this University to my knowledge.

In witness whereof, I have set my hand this 2^d day of March, in the year of our Lord 1660.

EDW. CHAPMAN.

From Tabor, f. 730.

Extract from the 4th Vol. of Hare.

1. *Chartæ et Concessiones Burgi Cantebrigiae, concessæ per ipsum Regem et Consilium suum in Parliamento An. 15°. Hen. 6th. et per Edv. 4th. et Hen. 8th. confirmatæ.*

A. D.

1201. JOHANNES Rex——Sciatis nos concessisse Burgensibus nostris de Cantebrigia Gildam Mercatorum; et quod nullus eorum placitet extra Muros Burgi de Cantebrigia de ullo Placito præter Placita de Tenuris exterioribus, exceptis Monetariis et Ministris nostris.——Et quod quicunq. petierint Bur gum de Cantebrigia cum Mercato suo, de quocunq. Loco sint, sive extranei sive alii, veniant, morentur, et redeant in salva Pace nostrâ reddendo rectas Consuetudines——et quod hæc omnia hæreditariè habeant.

1207. Johannes Rex——Sciatis nos concessisse Burgensibus nostris de Cantebrigia Villam Cantebrigiae cum omnibus Pertinentiis suis, habendam et tenendum in perpetuum.——Reddendo inde annuatim ad Saccarium nostrum antiquam Firmam, viz. 40 Libras albas, et 20 Libras numero de Incremento.——Et quod faciant de seipsis Præpositum quem voluerint, et quando voluerint.

1256. Henricus 3rd. Rex——sciatis nos concessisse Burgensibus nostris de Cantebrigia, quod ipsi in Perpetuum Habeant Returnum omnium Brevium nostrorum villain nostram Cantebrigiae et Libertatem ejus-

An. 1381, for
an Outrage
done to the
University, the
Town lost all
their Charters;
& to have them
again, consented
to pay the
Crown 105
Marks, or 70^{lb}
per An. for
ever.

A. D.

dem tangentium : Et quod per Manus proprias respondere possint ad Saccarium nostrum de omnibus Demandis et Summonitionibus ejusdem Saccarii ipsos pertingentibus. —— Et Quod iidem Burgenses eligere possint et creare Coronatores in Villâ prædictâ ad Attachiamenta Placitorum Coronæ nostræ infra dictam Villam emergentium facienda.

1314. **E**dvardus 2^{do}. Rex —— concessimus Burgensibus Cantebrigiae, quod Terras et Tenementa sua infra Burgum et Suburbium ejusdem existentia tanquam Catalla sua in ultimâ voluntate sua legare possint cunctq. voluerint. —— Et quod de Transgressionibus seu Contractibus in eisdem Burgo et Suburbio factis non placitent nec implacitentur extra Burgum illum : nisi res ipsa tangat nos vel Hæredes nostros : Et quod super Transgressionibus et Contractibus illis aut aliis Factis intrinsecis per forinsecos minimè convincantur, sed solummodo per Comburgenses suos ; nisi Factum illud tangat nos, vel Hæredes nostros, aut Communitatem Burgi prædicti. Ita tamen, quod Magistris et Scholaribus Universitatis ejusdem Villæ super aliquibus Libertatibus, eis per Progenitores nostros quondam Reges Angliae concessis, per Concessiones nostras supradictas nullatenus præjudicetur.

1385. **R**ichardus 2^{do}. Rex —— Sciatis quod —— nos concessimus Burgensibus Villæ Cantebrigiae omnia Fines, Redemptiones, et Amerciamenta omnium Hominum infra eandem villam residentium, vel quæ Occasione alicujus Placiti, vel Transgressionis, Contractus, seu Querelæ alterius Rei in eadem coram Justiciariis, aut aliis Ministris nostris quibuscumq. amerciari vel forisfieri contigerit. Et quod habeant omnimoda Catalla Felonum, et Fugitivorum, ac Utlagatorum de omnibus, tam de tenentibus et residentibus infra Villam et Libertatem suam, quam de

A. D.

extraneis et aliis quibuscunq. que infra Villam et Libertatem prædictas inveniri contigerit;—Salvis Universitatæ Cantebrigiae Finibus, Forisfacturis, Amerciamentis, et aliis Proficuis, ac Libertatibus, et Privilegiis quibuscunq. eis per nos seu Progenitores nostros concessis;—Salvis etiam et exceptis hujusmodi Finibus, Redemptionibus, &c. in Casibus quando Scholares dictæ Universitatis, vel Servientes sui Partes existunt.

1393. Richardus 2^{do}. Rex—Volumus et concedimus,—Quod, quoties Burgenses Fines, Redemptiones, Amerciamenta, Exitus, et Catalla infra Villam et Libertatem Cantebrigiae emergentia Virtute Chartæ nostræ claimaverint, Cancellarius Universitatis Cantebrigiae vel ejus Vices Gerens, ad id requisitus, absq. aliquâ Difficultate certificet, utrum Scholarès vel Servientes eorum in hujusmodi Finibus, &c. Partes fuerint necne.

2. A. D. 1299. Moris et Consuetudinis Villæ Cantebrigiae talis fuit, quod Mulieres post Mortem Virorum suorum habere deberent Medium omnium Catallorum eorundem.

3. Literæ Rich. 2^{do}. A. D. 1381. Quod Johan. Marchall de Cantebrigia, qui in Majorem Villæ pro Anno futuro electus erat, ab Officio suo, utpote minus sufficiens, amoveatur, et alia Persona idonea et discreta in Locum ejus eligatur. Which was done accordingly.

4. Hen. the 6th. A. D. 1454, granted the Town a Garden, lying between Trinity Hall on the South, & Garret Hostle on the North, & abutting on Mylne-street on the East, & Kings Ditch on the West, for an high Way to the River Ree.

CHARTERS, BULLS, &c.

A. D.

5. Queen Mary, A. D. 1555, granted the Town an Annuity of £8 : 15s : 2d. arising from certain Shops & Booths in Sturbridge Fair, & appropriated by Edw. the 6th. to maintain certain anniversary Dirges, for the use of the poor.

1589. 6. Concessio Eliz. Reginæ, quod Major et Burgenses Cantabrigiæ licitè possint de cætero tenere Feriam sive Nundinas apud Sturbridge et Barnewell annuatim a Festo sancti Bartholomæi per Spatum 26 Dierum, Modo quo ipsi retroactis Temporibus usi fuerunt, salvis Academiarum Privilegiis ibidem: Et quod liceat iisdem Ordinationes, Regulas, et Statuta quoad pacificam Gubernationem, Erectionem, Ordinationem, &c. Opellarum dictarum Nundinarum constituere et stabilire; modo Juri alicujus Burgensis, aut Privilegiis Universitatis, aut Statutis Regni non repugnant.

THE BLACK PARCHMENT BOOK.

IN THE V. CHAN'S. CUSTODY.

THIS book, tho' very confused, was of great use before Mr. Hare made his collection; & stil 'tis valuable for some things not so easie to be met with elsewhere. The most useless part of it, & which is indeed ridiculous, I mean the Historiola or fable of King Gurguntius, is said to be written by one Nic. Cantelupe, Prior of Northampton, about the year 1440; & inserted into this book by Willm Buchenham, M'. of Gonvill & Caius, & V. Chan. A. D. 1509.

See the first Fol. of this book.

The Black Parchment Book of the University was *made, saies Parker, by Dr. Buchnam, Master of Gonvill Hall; V. Miscell Pap'. p. 43 in Bennet Library; where there is an account of the contents of the said book in Parker's hand. *Ibid.*

*About the
year 1510.
V. Gr. Bo. b.

*An Index of such things in the Black Parchment Book,
as are not in the Index of Hare above, f. 1.*

1. A Table, shewing the Assize of Bread & Beer.

V. Stat. Hen. 3^d, 51.

2. The Statute of Pillory & Tumbrill, An. 51, Hen. 3^d.

3. A Decree of the Court of Augmentations in Hen. 8th.

time, for paying the Lady Margaret's Lecturer £13:6s:8d. per An. which used to be paid by the Abbot of Westm'. 'till that monastry was dissolved.

4. Another Decree of the said Court for paying the Lady Margaret's preacher 10^{lb.} per An. which used to be paid by the said Abbot.
5. Another Decree of the said Court of Augmentations for the payment of 20s. per An. which used to be paid by the Prior of Barnwell to the University, on consideration of certain privileges granted him by the University in Midsummer fair.
6. A Latin Kalender, dated 1562 : the same with those in the Proctor's Books.
7. Fees to be paid for Degrees, with the Beadles stipend from the University & the severall Colleges. These are the same as we have in Queen Elizabeth's first Statutes ; except that there are no fees here for Degrees in Canon Law, as there are there.
8. Literæ Edvardi sexti cum ejusdem Statutis. Ap. 8,
1549. f. 8.
9. Compositio de Electione Procuratorum. A.D. 1557. f. 15.
10. Injunctiones a Visitatoribus Edv. 6^{a.} sancitæ. Jul. 2,
1549. f. 112—17.
11. Soluiones quarundam dubitationum Visitatoribus Edv.
6^{a.} propositaruin. Probably in the year 1552. f. 114—19.
12. Ordinationes Edv. 6^{a.} de tollendis dubitationibus, ex
statutis ejusdem ortis. f. 115—20.
13. Two Decrees by the V. Chan. & Heads, May 10^{th.}
1552, fixing penaltys on Batch's & Sophs, who
dont oppose in their course, & a third determining
Inceptors to be seniors to all Batchelors f. 116—24.
14. De Electione Procuratorum—*Ex Libris Proc.* 28.
15. De Officio et potestate Procuratorum—*Ex Lib.
Proc.* 29.
16. De Modo dandi voces in Electione Procuratorum.
ibid. 29.

See this in the
4th vol. of Hare.
V. Lib. Jun.
Proc. f. 162.

17. Privilegia Oppidi Cantab. An. 1^o. Rich. 2^d. concessa. 29.

18. Statutum Academico, ut Missæ celebrentur pro Tho. Barowe Archidiacono Colcestr., qui eidem elargitus est 240^{lb}. “Et quod nomina Regis Richardi 3rd. ac “præfati Tho. Barowe per Bedellos, singulas scho-“ las visitantes, singulis Terminis coram Magistris “legentibus palam et publicè recitentur. Et quod “Presbyter Parochialis Ecclesiae B. Mariæ in pre-“ cibus suis, singulis diebus Dominicis in perpe-“ tuum publicè recommendabit devotis orationibus “Parochianorum ibidem, prout moris est, animas “eiusdem Richardi, et Tho. Barowe. Et quod “singulis annis,” inter alia aliis distribuenda ex dono prædicto, “dentur in memoriam quinque vulnerum “Dni nostri quinque pauperibus, cuilibet eorum “unus denarius.” Dat. 1494. 53.

19. Statutum de Visitatore Collegii Christi. 55.

20. Aliud Statutum de Modo istius Visitationis. 56.

21. An Indenture between the University & the Executors of Mr. Mere late Esq. Bedell concerning his houses given to the said University. In consideration of these the University is to provide a Sermon every Easter Week at Benett Church. The Preacher is to have 3^s. 4^d. the V. Chan. 6^d. each Proctor 4^d. &c. in all about 10^s. This sermon the University is to provide on pain of 10^s. to be levied on their Tenants by the Church-wardens of Benet Parish. f. 69.

22. The Town's Charter, An. 31^o. Eliz., for holding Sturbridge fair, salvis privilegiis Universitatis. 90.

23. A Decree of the Court of Augmentations, An. 36 Hen. 8^r. for the payment of the Annuity of 10^{lb}. granted to the University by King Henry the 7th. for suffrages to be yearly paid for him and his Queen for ever. This used to be paid by the Abbot of Westminster, til the dissolution of that Monastery. 103.

24. A List of Lady Margaret's Preachers from the first foundation to year 1679. 113—118.

25. An imperfect list of Lady Margaret's Professors beginning An. 1651. 118.

26. Indultum Urbani 5th. quod legentes et studentes in Universitate Cantabrigiæ Beneficia sua ecclesiastica per trienium retineant, etiamsi in iis non resideant: non obstantibus Statutis quibuscunq.: etiam si quis juramentum præstítit, vel in posterum præstabat de ñisdem Statutis observandis, et non impetrans Literis Apostolicis contra ea, et ipsis Literis non utendo, etiam ab alio impetratis. 128.

27. Breve Cardanalis Pilei de Indulto quodam Urbani 6th. This indulgence is to the same effect as the former, & to last for other three years. 129.

28. Pars supplicationis Academiæ ad Urbanum Septimum pro non-Residentia Curatorum in Decennium. 130.

29. Instrumentum publicum sub manu et sigillo notarii publici, de submissione Majoris ad Procan. facta, et ejusdem absolutione per eundem Procan. An. 1524. This Instrument was fixed up publickly in the Schooles.—See Hare, vol. 3^d. f. 64. 134.

30. The cry in Sturbridge Fair & in the Town much the same with those in the Proctor's Books. 147.

31. A Table of Fees for Degrees.—See Lib. Jun. Proc. f. 27. 150.

32. A Mem. May 31, 1655, that 30^o. contributed by the University for repairing the Bells of Bennet Church, which the University then used, to call to Acts & Congregations, was a free gift, & no due, signed by the Church Wardens of Benet parish.

STATUTA REGINÆ ELIZABETHÆ.

ELIZABETHA Dei Gratia Angliæ, Franciæ et Hiberniæ
Regina, Fidei Defensor, &c. dilectis Nobis Cancellario,
Magistris, et Scholaribus Universitatis Cantabrigiensis Salu-
tem. Quanta Rerum vestrarum Cura nos perpetuo sollici-
tat, dum Utilitatî Academiæ vestræ studemus non tam
• **Privilegia** a nostrâ Benignitate vobis concessa, quam
Legum et **Statutorum** vestrorum nova quædam Dispositio
manifestè declarant: quorum altero Injuriis obsistere, quie-
tèq. Studiis vestrīs incumbere, altero Concordiæ, recteq.
Reipublicæ vestræ Gubernationi consulere possitis. De
illis abundè satis a nobis est prospectum: istud quidèm licet
jamdiu a Nobis inchoatum esse non ignoramus, ac Leges in-
tereâ exercendas vobis dederimus, Usu tamèn atq. Experien-
tiâ, optimâ efficaciq. Rerum Magistrâ, edocti animadvertis-
mus, in illis aliqua esse Correctione digna. Rursus cres-
cente Hominum Audaciâ, nimiâq. Licentiâ, aliquas novas
prioribus esse duximus adjiciendas. Negotia etiam quæ de
novo emarserunt, novo indigere Auxilio facile cernimus.
Nunc vero cum ista omnia accuratè, ut speramus, sunt abso-
luta et perfecta, ea a vobis omnibus, cum eâ quâ decet
Obedientiâ, atq. Animi Alacritate recipienda sunt. Leges
igitùr ac Statuta hoc Libello conscripta, atq. summâ nostrâ
regiâ Authoritate sancita, vobis in vestrum Commodum mitti-

^a The Queen's
1st Charter
given. An. 1561.

^b The Queen's
first Statutes
given. An. 1559.
V. Lib. Jun.
Proc. f. 120.

mus ac promulgamus, diligentèrq. atq. fidelitèr a vobis obser-
vanda proponimus: Quod dum feceritis, illisq. ut oportet,
ex animo parueritis, non solum a Deo Opt. Max. et a nobis
Laudem et Præmium expectabitis, verum etiam unà cum
Pietatis atq. optimarum Artium non modico Incremento
omnes Gradus in Academiâ in pulcherrimum Ordinem ad-
ducetis: illiusq. Famæ ac Dignitati optimè prospicientes
florentissimam efficietis. Ac tandem, (quod apud nos non
minimi est Momenti) Exemplo vestro tanquam in omnium
Oculis ac Mente positi, reliquum Populum nostrum ad con-
similem Legum nostrarum Observationem, ac ad Pacem,
Concordiam, veramq. Obedientiam trahetis, ac perducetis;
digni regio Favore, digni Virtutis, ac Literarum Præmio.
Sed quoniam Exhortatio liberam excitat voluntatem, Mandatum
Necessitatem facit; nec omnes Virtutis Amore, sed
plures Pænæ Metu ad Leges custodiendas coguntur: omni-
bus igitur quibus Jurisdictio in hac Parte competit, maxi-
meq. vobis, qui Potestatem publicam Academiæ exercetis,
vel singulorum Collegiorum Gubernacula tenetis, mandamus,
ut, et vos ipsi Statuta ista quatenùs ad vos pertineant, obser-
vetis, et a reliquis omnibus Diligentiam in iisdem observandis
exigatis, illorumq. Executioni totis viribus incumbatis. Si
vero (quod absit) Favore, Gratiâ, Lenitate vel Incuriâ ves-
trâ ea contemni, negligi, vel non observari contigerit; vos,
quibus illorum Executio demandata est, quiq. aliorum Gu-
bernationem suscepistis, hujus Transgressionis reos judicabi-
mus; atq. a vobis exactam illius Rei Rationem exposemus.
Dominus Jesus et voluntatem in vobis has Leges custodi-
endi, bonasq. Literas, Pietatemq. discendi, at Facultatem
easdem ad ipsius Gloriam exercendi, et exequendi concedat.
Datum apud Manerium nostrum de Reding 25º. Septemb.
Anno Regni nostri 12º. et Anno Christi 1570º. In cuius

Under the
broad seal: but
not confirmed
by act of Par-
liament, as
most of our
Charters are.
An. Eliz. 13.

Leges sive Statuta Cantabrigiensis Academie.

DEUM timeto, Regem honorato, Virtutem colito, Disciplinis bonis Operam dato. Sed qui Reipublicæ vult Leges et Instituta proponere, non solum Laboris, verum etiam et Otii debet Rationem habere: Interest enim studiosorum Hominum, et literatorum nonnunquam laxatos habere Animos, ut ad Studia contentiores veniant. Et quanquam literarius Labor re quidem vera sit suavissimum Otium, tamen et Otium suum habet Negotium, et intermissionem propterea requirit. Itaq. Lectionibus et Disputationibus publicis Fines, Terminosq. ponamus.

De Terminorum Assignatione.

CAP. I.

PRIMUS Lectionum et Disputationum Dies erit a decimo Die Octobris usq. ad decimum sextum Decembris, secundus Terminus erit a tertio decimo Die Januarii ad decimum ante Pascha Diem. Undecimo post Pascha redengrabuntur Disputationes et Lectiones publicæ usq. ad Diem Veneris Comitia sequentem. Terminus Vacationis erit a Die supradicto usq. ad decimum Octobris: In quo propter Intemperiem Cœli, et Pestis atq. Contagionis Pericula, nec publicæ Lectiones (præter regias) nec Disputationes sint in Academie Scholis, quæ Momentum aliquod ad Gradus adipiscendos adferant. Licebit tamen cuvis eo Tempore

suæ Exercitationis Causæ publicè quidvis prælegere, aut etiam Disputationem ibidem instituere, Venia tamèn priùs a Cancellario Data.

De Baccalaureorum Inauguratione et Magnis Comitiis:

CAP. II.

SOLENNIS et annua sit Professio Baccalaureorum

^a Ni pestis ob-
tuerit. V. Lit.
Car. 2^a. An.
1666.

^b v. Gratiam
inf.

^a Die Mercurii primam Dominicam Quadragessimæ præce-
denti, et prorogetur ad Diem Jovis post quartam Domini-
cam ejusdem, quo Tempore omnes Quæstionistæ ^b antiquum
et solitum Examen subibunt. Et magna Comitia,
Cooptatio atq. Inauguratio cæterorum Ordinum primo Martis
Julii: quo Tempore si Pestis obfuerit, aut alia gravior
Causa fuerit, quo minùs solennes Ritus possunt peragi, in
primum Diem Martis Octobris vel aliud quemcunq. Diem
differantur Judicio Cancellarii præscribendum.

De Lectoribus publicis.

CAP. III.

QUI prælegerit Theologiam, Jus civile, Medicinam aut
Mathematicam quaternis Diebus in Hebdomadâ ad minimum
degat, nempè Lunæ, Martis, Mercurii, et Jovis. Quod si
festus Dies intercurrat, in alio Die supplebit, ut omnino

quatuor Dierum Lectio præcisè observetur. Linguarum Professores, Philosophiae, Dialecticæ, et Rhetorices eandem in legendō Formam observabunt: quod ni fecerint, regii Professores decem Solidis pro qualibet Lectione, quam omiserint, mulctentur. Et mulctæ quidem Lectorum Theologiae, Hebraicæ et Græcæ Linguæ secundum Præscriptum Statuti Collegii Trinitatis in Usum dicti Collegii reddantur. Mulctæ duorum, Juris civilis, et Medicinæ per Vicecancelarium exigantur. Reliqui autem quatuor Ordinarii et publici Lectores pro qualibet Lectione, quam omiserint, solvent tres Solidos et quatuor Denarios. Et si quispiam prædictorum Lectorum Dies illos quatuor interpolatos sumere malit quām continuos; sub Finem præcedentis Lectionis Auditores suos Intermisionis hujusmodi commonefaciat sub Pænâ prædictâ.

De Temporibus Lectionum et Libris prælegendis.

CAP. IV.

TEMPORA Lectionum publicarum referuntur ad Judicium Vicecancellarii, qui pro Tempore fuerit, et Magistrorum Collegiorum. Theologicus Prælector tantùm sacras Literas doceat atq. profiteatur. Jurisconsultus Pandectas, Codicem, vel ecclesiastica Regni nostri Jura, quæ nos edituri sumus, et non alia prælegat. Philosophicus Lector Aristotelis Problemata, moralia, politica, Plinium vel Platonem publicè doceat. Medicinæ Lector Hippocratem, vel Galenum. Mathematicus Professor, si Cosmographiam docet, Melam, Plinium, Strabonem, aut Platonem enarrat; si Arithmeticam, Tonstallum aut Cardanum, &c. si

Geometriam, Euclidem; si Astronomiam, Ptolomæum. Dialectices Professor Aristotelis Elenchos, aut Topica Ciceronis. Pralector Rhetorices Quintilianum, Hermogenem, aut aliquem aliud Librum Oratoriarum Ciceronis. Quos omnes Libros vulgari Lingua pro Captu et Intelligen-
tia Auditorum explicabit, interpretabiturq. Græcae Linguae Professor Homerum, Isocratem, Demosthenem, Euripidem aut aliun ex antiquioribus, et Artem una cum Proprietate Linguae docebit. Lector Hebreicus non nisi ex Fontibus sacrae Scripturæ pœlegat, simulq. Grammaticam Hebraicam, et Linguae Proprietatem docebit. Omnes unius atq.
ejusdem Scientiae Lectiones una atq. eadem Horâ legant
atq. concurrant.

De publicarum Lectionum Auditoribus.

CAP. V.

NULLUS Scholaris quocunq. Gradu et Nomine cen-
seatur, sive Collegiorum Stipendiis sustentetur, sive suis
Sumptibus alatur, ullam publicam Lectionem, ejus Professio-
nis cui destinatus est, omittat: sed a Principio usq. ad
Finem quietè et attentè eam audiat: nullaq. ejus Excusatio
admittatur, nisi Infirmitatis, vel alterius urgentissimæ Ne-
cessitatis, priùs vel post intra Triduum per absentem a Lec-
tione ultro alleganda, et per Procancellarium, vel Procura-
tores approbanda. Qui huic Ordinationi non paruerit, pro
primâ vice Pretium Commeatus unius Diei, pro se-
cundâ, trium, pro tertîa, unius Hebdomadæ, pro quartâ,
duarum Hebdomadarum persolvat. Quod si alicujus Negli-
gentia et Contumacia longius processerit pro Arbitrio Do-
mini Procancellarii puniatur. Magister, Præses, aut Præ-

positus cuiusq. Collegii hanc Mulctam ad Denuntiationem et Petitionem Cancellarii, ab eo qui peccaverit exigito, et persolvito, dividenda æqualiter inter Academiam, Procuratores, et Præcones. Atq. quo certius constet qui cuiq. Lectioni interesse teneantur, volumus, ut primarii Lectores omnium Collegiorum, ab aliquo Præconum Triduo ante Initium cuiusq. Termini admoniti, Schedulam, Nomina singulorum Sociorum, Discipulorum, Pensionariorum, Sisatorum, Subsisatorum in suis Collegiis commorantium continentem, et quas Lectiones quilibet audire et frequentare debeat, intra tres Dies Procuratoribus, vel eorum alteri exhibeant. Quod si illi admoniti, non fecerint, sive Bedelli per Vices neglexerint, qui delinquit sex Solidorum et octo Denariorum Mulctam incurrat. Quinetiam ne quispiam in Fraudem prædicti Statuti et Ordinationis delinquens, impunè latere possit; Ståtuimus ut Decani cuiusq. Collegii, aut si nullus sit ibi Decanus, tunc primarii Lectores, Monitores singulis Septimanis pro qualibet dictorum Auditorum classe (Artium Magistros, Legum, Musicæ, et Medicinæ Baccalaureos, et superiores Gradus excipimus) constituant. Qui iidem Monitores nisi singulis Diebus, quibus Professores legere contigerit, statim finitâ Lectione Schedulam absentium, sero venientium, vel exeuntium, alteri Bedellorum in Scholis tracierint, pro qualibet vice duodecim Denariis mulctentur. Porro ut Magistri Artium, Legum Baccalaurei, et qui ^{V. inf.} sunt superioris Gradus suas etiam Lectiones diligentè frequentent, Collegiorum Præpositi aut eorum Locum Tenuentes sedulo providebunt.

*De Ratione Studiorum, et quibus Modis ad altiores
Gradus Dignitatis Juvenes promoventur.*

CAP. VI.

* V. inf.

PRIMUS Annus Rheticam docebit, secundus et tertius Dialecticam, quartus adjungat Philosophiam et Artium istarum Domi forisq. pro Ratione Temporis quisq. sit Auditor: In hoc Quadriennio bis quisq. disputato in publicis Scholis, bis respondeto in suo Grege. Quæ si perfecerit et post consuetum Examen dignus videatur, * post compleatum Quadriennium, et non antea, Baccalaureus esto. Ita tamen quod prius respondeat Quæstioni, et stet in Quadragessima More consueto usq. ad postremum Actum, et super his Cautionem realem exponat.

De Baccalaureis Artium.

CAP. VII.

* They are excused residence by Interp. 1608.
V. inf.

* HI Auditores assidui philosophicæ Lectionis, Astronomiæ, Perspectivæ, et Græcæ Linguæ sint: idq. quod inchoatum antea erat, sua Industria perficiant. Intererunt cunctis Magistrorum Artium Disputationibus, aperto Capite, nec abibunt inde nisi a Procuratoribus petitâ Veniâ. Baccalaureus quisq. ter respondebit Magistro objicienti; bis in sui Gregis Exercitatione respondebit; declamabitq.

semel. In his ubi ^a*justum trium Annorum Spatium* versatus fuerit, et hæc illum perfecisse constiterit, postquam solennitè productus fuerit, cooptabitur in Magistrorum Ordinem. Jurabunt autem singuli Magistri Artium in Comitiis suis de Regentiâ suâ per Quinquennium retinendâ; et ^bCursu Disputationum toto hoc Tempore servando; post quod Tempus non-Regentes erunt. Regentes autem in Artibus, qui ante hæc Statuta inaugurati sunt, Regentiam suam retinebunt ad Quinquennium ^aTempore Inaugurationis suæ numerandum, et non ultra: et si Quinquennium illud jam elapsum sit, statim non-Regentes erunt.

^a V. Gratiam de Bac. ad Bapt. inf. f. 104.

^b This part of the Oath dispensed with, & a Caution of 40s. appointed. V. inf.

De Magistris Artium.

CAP. VIII.

MAGISTER Artium sedulus erit Theologiæ, atq. Hebraicæ Lectionis quotidianus Auditor: quibus Rebus Annorum septem dabit Operam: quo Spatio bis disputabit contra ^aTheologiæ Baccalaureum: semel post quartum Annum respondebit in Theologiâ: concionabitur ^bLatinè semel et semel Anglicè in Academiæ Templo, et semel ad Crucem Divi Pauli infra Annum post Gradum Baccalaureatus susceptum. Et, si hoc Tempore in Theologiâ profecerit; post completum Septennium, et non antea, per solennem Inaugurationem Baccalaureus fiat.

^a Vel in Artibus Magistrum. V. Interp. inf. f. 153.

^b In Die Cinerum si ita Dno Procan. videbitur. V. inf.

De illis qui ad Academiam 24 Annos nati accedunt.

CAP. IX.

QUI ad Academiam viginti quatuor Annos nati accedunt,
et se Studio Theologiæ totos tradunt, si omnes hujusmodi
 * Exercitationes coluerint, quæ ad Magistros Artium ad
Theologiam conversos spectant, post Decennium, ad Gra-
dum Baccalaureatùs Theologiæ accedere poterunt, sine ullo
in Artibus Gradu suscepto: Ita tamèn, ut Officiariis pro in-
ferioribus Gradibus, More ab Academiâ recepto, satisfa-
ciant.

* Mr. Chilcot
perform'd this
exercise *ad
assignationem*
Dni Procan.
Gr. B. Jun.
1731.

De Baccalaureis Theologiæ.

CAP. X.

THEOLOGIÆ Baccalaureus Theologicam Lectionem
audiat quotidiè: in Quæstionibus theologicis bis opponat;
semel respondebit, idq. Doctori, si commodè fieri poterit:
Latinè semel, Anglicè semel concionabitur in Academiæ
Templo; * et semel ad Crucem Divi Pauli, infra Annum a
Gradu suscepto. Quinquennium post Baccalaureatum sus-
ceptum in Theologiâ progressus poterit vocari in Ordinem
Doctorum. Si quis, cupiens cooptari in Ordinem Bacca-
laureorum, aut Doctorum Theologiæ, non responderit, nec
opposuerit secundum Ordinem supra præscriptum in iis-

*Si legitimè vo-
catus fuerit, et
justa causa non
impeditatur.
V. inf.

dem Statutis, is Nihilominus poterit Baccalaureus fieri, si semel Doctori responderit; et publicè unam Concionem ad Clerum, et alteram ad Populum habuerit; et infra Annum post Gradum susceptum, unam ad Crucem Divi Pauli: et post Baccalaureatum idem poterit esse Doctor, si semel Doctori responderit, et unam Concionem ad Clerum, habuerit in Academiæ Templo ante ejus Admissionem, et alteram ad Crucem Divi Pauli infra Annum sequentem; modo Quinquennium compleverit post Gradum Baccalaureatus.

De Doctoribus Theologiæ.

CAP. XI.

POST tantum Laboris susceptum et tot Pericula, atq.
Examina, nolumus plus Laboris Doctoribus imponere,
quam ipsi volunt suâ Sponte suscipere; nisi quod semel
infra Annum suscepti Gradûs, Quæstionem ipsi sibi propo-
nent in publicis Scholis, cuius Ambigua et Dubitationes dum
in utramq. Partem enucleaverint, definient, determinabuntq.
sub Pæna quadraginta Solidorum Academiæ solvendorum.

Concionari
teneatur Doc-
tores certis die-
bus. V. inf.

De Legum Studiosis.

CAP. XII.

QUI a primo in Academium Adventu Legibus Operam
dabit, primum Annum integrum Institutionum Lectioni

He must reside
too the major
part of 9 terms.
V. inf.

Domi suæ impendat: Deindè Quinquennium totum publicum Juris Professorem audiat: respondebit publicè semel Professori, aut alicui Doctori ejusdem Facultatis, antequam fiat Baccalaureus Juris. Qui fuit ante Baccalaureus Artium quatuor Annorum Studio Juris poterit esse Baccalaureus, si Ordine præscripto responderit.

De Legum Baccalaureis.

CAP. XIII.

HIC etiam Regium in Jure Professorem audiat Quinquennium: respondebit hoc Tempore bis in suis Scholis; opponet semel, et cooptabitur Doctor. Magister Artium Septennium dans Operam Legibus, et cæteris perfunctis, quæ hic requiruntur, poterit cooptari inter Legum Doctores.

De Legum Doctoribus.

CAP. XIV.

DOCTOR Legum mox a Doctoratu dabit Operam Legibus Angliæ, ut non sit imperitus earum Legum quas habet sua Patria; et Differentias exteri patriiq. Juris noscat.

De Studiosis Medicinæ.

CAP. XV.

MEDICINÆ studiosus sex Annos Rem Medicam dis-
cet ejus Lectionis Auditor assiduus; Anatomias duas vi-
deat; bis respondeat, semel opponat antequam Baccalaureus
fiat.

He must keep
9 terms.
V. inf. f. 224.

One Act dis-
pensed with.
V. Lit. Reg.
inf.

De Studiosis Chirurgiæ.

CAP. XVI.

CHIRURGIÆ studiosus duas Anatomias faciat, tres ad
minimum Curationes se fecisse probet, antequam admittatur
ad Praxin Chirurgiæ.

De Baccalaureis Medicinæ.

CAP. XVII.

BACCALAUREUS Medicinæ respondebit bis, se-
melq. opponet, Anatomias tres, aut ad minimum duas vide-
bit: et tunc post Quinquennium a Gradu Bacculaureatus
suscepto, admitti poterit ad Doctoratum in Medicinæ.

No dispensa-
tion in time or
exercise to be
allowed in any
Degree in Phy-
sick.

V. Gr. inf. f.
141.

De Doctoribus
Med. incorpo-
randis. V. inf.

De Doctoribus Medicinæ.

CAP. XVIII.

POST sollemnam Disputationem et Inaugurationem suam medicari licet poterit in omni medicandi Genere. Magister Artium Septennium Rei Medicæ daps Operam, postquam bis Doctori in eadem Facultate responderit, semelq. opposuerit publicè, poterit fieri Doctor Medicinæ.

De Modis approbandi eos qui Gradum Magisterii in Artibus suscepturi sunt.

CAP. XIX.

OMNIS cooptandus in Ordinem Magistrorum Artium sive alicujus Collegii, sive propriis Sumptibus alatur, primum approbetur a Præposito, et Majore Parte Sociorum Collegii, cuius est, vel a Præposito et majore Parte seniorum, juxta singulorum Collegiorum Statuta, et Consuetudines. Et Collegii Nominis, ab uno ex eodem Collegio, aut ordinario Lectore Facultatis, sistetur in Congregatione coram Cancellario: tunc coram exponatur et de Libro Statutorum clare legatur, quid Leges Academicae requirant ab eo, qui in illum Ordinem quem petit, cooptari debet: Quæ si perficerit, et visitaverit Doctores, et Magistros Regentes, aut debitam Industriam, ut eos visitaret, præstiterit; modò majorem Partem præsentium Regentum de Scientiâ et Cre-

dulitate babuerit, secundum Morem Scholarium in Scrutinio Admittatur: nisi quisquam Sponzionem facere velit, et infra octo Dies probet eum propter Imperitiam indignum, aut vitiosos Mores infamem, aut non perfecisse quæ Leges requirunt. In dicto autem Scrutinio stabunt Procancellarius et Procuratores.

De Ceremoniis in Gradibus conferendis.

CAP. XX.

CEREMONIÆ in Gradibus conferendis eadem sint, quæ antea fuerant, secundum antiquum Academice Morem. Qui in aliquâ Congregatione Procancellario aliquem pro aliquo Gradu suscipiendo repræsentat; consuetâ Verborum Formâ utatur. Procancellarius Baccalaureum Theologum admittens, his Verbis utatur: ‘admittimus te ad enarrandum omnes Apostolicas Epistolas, in Nomine Patris, &c.’ Doctorem autem admittens, ita dicet, ‘admittimus te ad interpretandum et profitendum universam sacram Scripturam, tam veteris quam novi Testamenti. In Nomine Patris, &c.’

De Gratiis concedendis.

CAP. XXI.

*NULLA Gratia pro Gradu aliquo suscipiendo extra Terminum omnino vel petatur vel concedatur: nec etiam infra Terminum, nisi subsequentibus Modo et Formâ: viz,

* Noblemen's
Graces excepted
V. Interp.
inf.

De Gratiis re-
jectis. V. inf.
f. 146.
V. Grat. inf.

* Batchs of Arts
are not bound
to residence
here. V. In-
terp. inf.

ut primum approbetur a Præposito et majore Parte Sociorum Collegii sui, vel a Præposito et Majore Parte Seniorum; et a Magistro, seu illius Vicem gerente, vel a Lectore publico ejus Collegii subscribatur: nec plures proponant Terminos * in quibus studuerint in Academiâ, Oppositiones, Responsiones, aut alia scholastica Exercitia, quam Rei fert Veritas; aliter, ipsa Gratia nulla sit. Et qui falsæ Petitioni subscripserit, Voce sua in Senatu per Biennium sit ipso Facto privatus, et inhabilis etiam ad aliquod Officium et Munus gerendum infra Academiam per idem Tempus. Deinde in plenâ Congregatione Regentium et non-Regentium Senior Procurator illas Gratias publicè recitabit, quæ a Cancellario et reliquis pro Capite illius Anni designatis seu in illorum Loco surrogatis, approbatæ fuerint: et sequenti Congregatione, vel Concursu ejusdem Congregationis continuatæ, illæ ipsæ Gratiae in Domo non-Regentium primum a Seniore Scrutatore iterum publicè legentur: ac statim duo Scrutatores cum Seniore non Regente tunc præsente in Scrutinio stabunt, ac Vota aliorum per hæc Verba ‘*Placet*’ vel ‘*non Placet*’ et non aliter accipient, et ea Scriptis mandabunt, Præcone primum ‘*ad Scrutinium*’ proclamante; quod similiter secundò et tertio (Modico interjecto Intervallo) faciet. Et si post trinam illam Monitionem a voce dandâ cessatum fuerit; Senior Scrutator (collatis prius Suffragiis) publicè pronuntiabit pro Majore Parte suffragantium ‘*placet iis*’ vel ‘*non placet iis.*’ Quam Formam Observabunt etiam in Domo Regentium; Senior Procurator in legendendo et pronuntiando, Procancellarius et duo Procuratores in Suffragiis accipiendis, et Præco ad Scrutinium vocando; et reliqui Regentes in Vocibus suis dandis. È vero Observatione omissâ inanes et irritæ sint Gratiae. Hinc autem excipimus Gradum Baccalaureatûs Artium, qui antiquum Modum petendi retinebit. Decernimus * ut nulla Gratia, quæ proponetur in Scholis, Dispensationem habeat quamcunq. et si secus fiat, Gratiam illam irritam et inanem esse volumus. Nec ulli concedatur Gratia, ut ejus

* Except for
non-Gremials
after your first
Degree, & then
to be first sub-
scribed by *

admissio stet ei pro completis Gradu et Formâ, sub Pæna
Perjurii Procancellarii, et eorum qui fuerint in Capite ; nisi
sint regiæ Majestati a Secretis, aut Episcopi, ^b aut nobiles,
aut Nobilium Filii.

majority of the
Heads & Dⁿ. of
Faculty.

V. Interp. inf.

^b These words
are extended
to all Honour-
able Personages
& their Heirs
apparent.

V. Interp. inf.
And also to Ba-
ronets &
Knights.

V. Lit. Reg.
inf.

De Disputationibus Sophistarum.

CAP. XXII.

ORDO Disputationum hic est. Inter Sophistas Veterissimus se responsorem exhibebit, et Ordine sequentur alii juniores ad finem illius Anni. Primus Dies Termini erit decimus Octobris : non respondebit, nisi qui secundum Annum expleverit. Tres principes Questiones proponat, unam in Mathematicis, alteram in Dialecticis, tertiam in Philosophicis naturalibus aut moralibus ; quas Triduo ante affiget Valvis Scholæ suæ. Cæteri contra disputanto. Ubi Responsor hæsitaverit, Moderator alter si possit nodum dissolvito. Tempora earum Disputationum erunt Diebus Lunæ, Martis, Mercurii, Jovis, et Veneris, a primâ post Meridiem ad tertiam. Scholæ Moderator per singulas Disputationes tres suo Arbitrio permittat, vetustatis ordine, argumenta Respondentū proponere præter principalem Disputatorem.

Performance of
this exercise re-
quired, & treats
forbidden. inf.

De Moderato-
ribus.
V. inf.

De Baccalaureorum Disputationibus.

CAP. XXIII.

Baccalaureorum Disputationes fient Die Veneris a nonâ ad undecimam ; si nulla tunc Magistrorum Disputatio sit ;

tunc enim fient ab Horâ prima ejusdem Diei usq. ad tertiam.
Respondebit non nisi Baccalaureus secundi Anni. Incipiat
Veterimus, et Ordine reliqui sequentur. Contra disputabit

unus suo Ordine, cui Scholæ Moderator adjunget quatuor
aut plures pro suo Arbitrio in singulis Disputationibus, qui
Argumenta Respondenti objiciant. a Qui cursum suum in
Respondendo omiserit decem Solidis multetur, qui vero in
opponendo cursum omiserit, tribus Solidis et quatior Denariorum.

*De Moderato-
ribus.*
V. inf. f. 134.

* The Penalty
now for an Act
is 20s. & for an
Oppon. 10s. to-
ties quoties.
V. Lit. Reg. inf.
et Stat. inf.

De Declamationibus Baccalaureorum.

CAP. XXIV.

BACCALAUREORUM Declamationes erunt Diebus
Sabbati, ab Horâ octavâ ad nonam ante Meridiem. Primâ
vero Hebdomadâ duo Ordine Baccalaurei unum Thema
tractabunt, cujus contrariam Partem duo alii defendant Heb-
domadâ sequenti, b sub Pæna quinq. Solidorum, si quis cursum
suum omiserit.

* This Penalty
now is 20s. to-
ties quoties.
V. Lit. Reg. inf.

De Magistrorum Artium Disputationibus.

CAP. XXV.

MAGISTRORUM Artium Disputationes erunt singulis
Diebus Lunæ, Martis, Mercurii, Jovis, singulis Septimanis
in Termio, nisi aliquis festus Dies interveniet. Durabunt
autem ab Horâ nona ante meridiem ad undecimam. Et sin-

gub^a Magistri Artium ad eas cogentur, quoad quartum post Inaugurationem suam Annum compleverint: Post quod Tempus inter Theologos, Jurisconsultos, aut Medicos disputabunt. Inhibemus ne duo Magistri eodem Tempore disputerent, aut duo Baccalaurei respondeant, nisi alter eorum variaverit. Magistri Artium primi Anni, quemadmodum in antiquis Statutis præcipitar, sic etiam nunc, bis disputabunt, priusquam ad aliorum cursum ventum sit.

De Theologorum Disputationibus.

CAP. XXVI.

QUOLIBET secundo Die Jovis cujuslibet Terminii fiat Disputatio in Theologiâ: in qua Disputatione duas Theses Theologicas per Dominum Procancellarium, regium in Theologia Professorem, ac unum Doctorem, vel Baccalaureum Theologiae seniorem in Universitate praesentem approbandae, tractabuntur ab Horâ prima post Meridiem ad Horam quartam ejusdem Diei. Respondebit* Baccalaureus in Theologiâ maximè senior; et sic deinceps cæteri ejusdem ordinis secundum senioritatem suam, et post eos omnes Magistri Artium postquam quartum Annum a Gradu Magisterii suscepto compleverint (qui Medicinæ aut Juri civili per Statuta Collegiorum non destinantur, aut tenentur ad Disputationem Juris civilis aut Medicinæ) sive sint Socii Collegiorum, sive Pensionarii secundum Senioritatem suam in Academiâ. Si quis Cursum suum intermiserit, mulctabitur viginti Solidis toties quoties: ita tamèn, ut nihilominus idem cursum suum intermittens, ad proximata teneatur Disputationem theologicam, donec in propria Persona eandem præstiterit sub Persona consimili. Opponentes erunt tres secundum Cursum ac Qua-

* Nisi sexagenarius sit.
V. inf.

* The Penalty now for the first time is 40. for the second 3l. for the third & after 6l. tollis cognitione.
V. Gr. inf.

¶ V. statutum
proximè se-
quens.

dinem Collegiorum præscriptum in his Statutis. Stet mulcta ibidem præscripta, omni Excusatione sepositâ. Si quis tamen pro Gradu suo velit respondere, aut alio Die respondeat, aut Vicem commutet cum eo qui responderet: Ita ut proximo Die Jovis Disputabili, is qui prius respondisset Locum et Cursum occupet. Bedellis vero solitam pro singulis Disputationibus collectam reservavimus, ab aliis Oneribus Respondentes absolvimus; nisi pro Gradu respondeant; quo Tempore eosdem ad Ordinem et Statuta Collegiorum, in quibus degunt referrimus. Quod si quisquam propter aliquam causam rationabilem per Cancellarium, regium Professorem in Theologiâ, et Magistrum ac majorem Partem Sociorum Collegii sui approbandam, mutaverit Cursum suum, idem tamen arctetur ad Cursum suum servandum in propriâ suâ Personâ, cessante hujusmodi causâ similitèr approbandâ, eodem Termino aut proximo sub Pænâ prædictâ. Quod si festus Dies intercesserit, proximo Die Jovis disputabili eadem Disputatio compleatur. Ad extremum Statuimus, quod hæc Disputatio progredietur ac descendet hoc Ordine, de Termino in Terminum et de Annò in Annum, donec omnes qui hoc Statuto astringuntur respondeant; tunc vèro iterum Disputatio incipiat a Senioribus, ut supra institutum est, et sic progrediatur de Tempore in Tempus.

De Ordine quo singula Collegia Opponentes et Disputatores suppeditabant.

CAP. XXVII.

The present Cy-
cle for these
Opponents, &c

PRIMO, Collegium Regium, unum. Deinde, Collegium Trinitatis, unum. Post, Collegium Divi Johannis, unum. Post, Collegium Christi, Petri, et Magdalenæ, unum. Post,

Collegium reginense, Pembrochiae, et Catharine, unum. Postremo, Collegium Jesu, Gonvilli et Caii, Corporis Christi et Claræ, unum. Altero Die Collegium Trinitatis inchoabit, et ita Circulo, quoad quodq. Collegium primum sit et postremum. Singulis vero Disputationibus, tres ab his Collegiis, aut Collegiorum Copulationibus Replicatores et Disputatores adsint. Magistri Artium replicabunt, eo Ordine quo fuerint inaugurati in Academiâ. Si quis neglexerit, mulctetur ^{*} sex Solidis, eorum duobus Procuratoribus, duabus Respondenti, et totidem Præconibus numerandis.

the morning
Preachers.
V. inf.

^{*} The Penalty
now is 10^s. a
time 'til the ex-
ercise be per-
formed.

V. Lit. Reg.
inf.

De Jurisconsultorum Disputationibus.

CAP. XXVIII.

JURIS civilis Disputatio fiat ^{*} sexto Die Jovis in anno ^{*V. Interp. inf.} quoq. Termino, aut alio ad Assignmentem Cancellarii.

* Disputabit regius Prælector, aut Doctor aliquis ejus Facultatis. Respondebit qui pro Formâ Locum petit, aut ejus Defectu aliquis eorum qui Juri civili dant Operam, secundum Ordinem Senioritatis suæ. Quod si quis neglexerit mulctabitur viginti Solidis. Auditores vero duo regii Professoris in eadem Facultate juxta Senioritatem suam opponent, ubi vibebitur Prælectori aut Doctori disputanti sub Pæna sex Solidorum, quoties quis deliquerit. Atq. ut certius in posterum de Senioritate constet : quilibet legum Bacalaureus omnibus Artium Magistris, qui Anno sequenti in eum Ordinem cooptantur, quoad disputandi Ordinem, Senior, Magistris autem Artium ejusdem vel superioris Anni Junior censeatur. Legum autem Baccalaurei, ne Senioritatis inter se Ignoratione disputandi Cursum impedian, Senioritatem pro Ordine Admissionis habeant. Responsores, et Disputatores sumentur

^{*} It seems to have been his business to open the Dispute with a Thesis, to which the Respondent replied, as the Opponent did after to him, only syllogistically as now.

STATUTES, &c.

ex Aula Trinitatis, et aliis Collegiis de Numero illorum, qui
 Privilegiis Studiū Juris civilis uta volunt, modo Doctores non
 sunt, sub Pena ejusdem, quā predicitur, mulctæ. Hi duas
 ad minimum Horas in Disputatione permanebunt. Hæ Dis-
 putationes ut ritè, Ordine, et perpetuò fiant, Aula Trini-
 tatis providebit, et Collegia eo Ordine, quem ante posuimus.
 Et si desiderabuntur Responsor aut Disputatores, eadem
 mulcta imponetur delinquentibus, quam ante nominavimus.

De Medicorum Disputationibus.

CAP. XXIX.

V. Interp. inf. MEDICINA Disputationem habebit nono Die Jovis in quoq.
 Termino, aut alio ad Voluntatem Procancellarii: disputabit
 Praelector regius, aut aliquis Doctor. Respondebit, qui pro
 forma Locum petit, aut, ejus Defectu, aliquis eorum, qui Me-
 dicinæ dant Operam, secundum Ordinem Senioritatis suæ,
 sub Pena viginti Solidorum quoties deliquerit. Et Auditores
 duo regii Professoris in eadem Facultate opponent juxta Se-
 nioritatem suam sub Pena sex Solidorum.

De Facultatum omnium Disputationibus.

CAP. XXX.

DUÆ Theses vel Conclusiones omnium harum Dispu-
 tationum octo Dies ante Diem destinatum Disputationi Scho-

larum publicarum Valvis, et Cathedræ disputantis a Respondente affigantur ; et eodem Tempore ad Professores earundem Scientiarum, atque ad Procuratores et Praecones per respondentem adducantur, sub Multa duorum Solidorum eidem infligenda : Die vero sequenti Praecones easdem questiones adducent ad eos, qui sunt disputaturi sub eadem multâ.

De Determinatoribus singularum Disputationum.

CAP. XXXI.

REGIUS in Theologiâ Professor, et singularum Artium, atq. Facultatum Praelectores, singulis ejusdem Artis Disputationibus intererunt, præter Praelectorem Philosophie, *quem v. Gr. inf. Baccalaureorum Disputationibus tantum praesesse volumus. De Argumentis judicabunt, et si quæ difficilia sunt, vel malè ab aliis dissoluta, ipsi dissolvent, atq. ad extremum, quid ipsis de singulis propositis † Disputationibus videatur, determinabunt, ac definiunt. + Al Quæstiōnibus.

De Disputationibus in Vesperiis et Die Comitiorum.

CAP. XXXII.

DISPUTATIO Theologica in Vesperiis Comitiorum erit sub Horâ octavâ antemeridianâ ad undecimam ; in Die Comitiorum ab Horâ octavâ ad undecimam : Philosophica vero, in Vesperiis ab Horâ primâ usque ad tertiam ; in Die Comi-

De hisce Disputationibus jam plenius provisum est.
V. Gr. inf.

tiorum ab Horâ undecimâ usque ad secundam. Disputatio in Jure civili erit in Vesperiis ab Horâ tertia usq. ad quartam; in die Comitiorum ab Horâ secunda usq. ad tertiam. Disputatio in Medicinâ in Vesperiis erit ab Horâ quartâ usq. ad quintam; in Die Comitiorum ab Horâ tertia ad quartam. Si vero nulla sit in Vesperiis Disputatio theologica, tum Disputatio philosophica eodem Tempore erit, et Disputatio in Jure civili erit ab Horâ primâ ad tertiam, et Medicinæ Disputatio a tertia ad quintam. Procancellarius erit Moderator, et Determinator theologicæ Disputationis in Comitiis, si ita illi videbitur; sin minus, regius in Theologiâ Professor, aut alius Doctor a Procancellario assignandus. Baccalaurei Theologiæ, Juris civilis, et Medicinæ ejus Anni Comitiis, quo hos Gradus suscipiunt, vel unum ex seipsis communiter eligant, vel aliquem alium suo Sumptu provideant, qui in Die Comitiorum suâ in Arte respondeat. In omnibus Comitiis et Disputationibus publicis Academiæ, et privatis Collegiorum, nulla neq. Oratio neq. Quæstionum Explicatio de Libro scripto legatur: hoc si quis privatù violaverit, Domi a Magistratibus suis justâ Pænâ coercentur: sì in publicè quinq. Solidis mulctetur, singulis Procuratoribus et Præconibus Academiæ singulis Solidis tribuendis: Proviso, quod hac Lege Theologi, Jurisconsulti, ac Medici non tenebuntur. Lector Theologiæ, Juris, Medicinæ regius semper Cathedram illius artis teneat, modo sit Doctor in illâ Facultate. Regius in Medicina Lector unam Anatomiam singulis Annis faciet, si Auditores hoc requirant, et Anatomiae Impensas pervenire velint.

De Electione Cancellarii.

CAP. XXXIII.

CANCELLARII Magistratus tamen diuturnus esto, quam vetera Statuta, moresq. Academiæ permittebant: nimirum ad Biennium integrum; aut tamdiu, quam tacito Consensu Academiæ Cancellarius permittatur in eodem Officio manere. Intra quatuordecim Dies post Vacationem hujus munieris certò cognitam a Regentibus et non-Regentibus, ad hunc Modum novus Cancellarius eligatur. Præcones aut Viatores Academiæ, Procancellarii Jussu, Congregationem Regentum in Horam nonam subsequentis Diei vocabunt. Tunc autem Procancellarius et Procuratores, assumpto juniore Doctore Theologiæ qui tum in Academiâ fuerit, vel si nullus Theologiæ Doctor præsens in Academia fuerit, adhibito juniore Doctore Juris civilis aut Medicinæ, stabunt in Scrutinio, suisq. Suffragiis priùs in Scripto latis cæterorum præsentium Suffragia Scripta accipiant. Hæc omnia senior Procurator accepta palìm et sigillatìm leget, et ille, per Pro cancellarium Cancellarius electus renuntiabitur, cui plurimi suffragati fuerint. Confestim autem post Electionem Instrumentum Electionis ejus factum, Sigillo communi obsignabitur, et quam maturimè fieri poterit, illi tradetur,

De Electione Procancellarii.

CAP. XXXIV.

TERTIO Novembris, Horâ videlicet octavâ ante meridiem, Munus Procancellariatus quotannis de Jure Vacabit, ac

Horā nonā proximè sequenti, in Domo Regentium convenient omnes Collegiorum Præpositi; ac statim senior Gradu primū, deinde singuli, Ordine suo, unum aliquem ad id Officium nominabunt, e quorum Numero dicti * Præpositi

Vel eorum Loca tenentes.
See Cecil's Letter 1572. Lib. xiv. num. P. 167.

duos Punctis suis notabunt, quorum alter, et non aliis eligatur in Procancellarium. Si vero de Majori Numero Præpositorum (non habitâ Ratione Numeri totius sed plurium) in signandis duobus, vel eorum altero in tribus Scrutiniis constare non possit: tunc ille ex his, qui paria habeant Suffragia, nominetur, in quem regius in Theologiâ Professor consenserit; et illos duos sic designatos, eodem Die is qui Gradu præest, seniori Procuratori publicandos Regentibus et non-Regentibus ante Electionem significabit, quos si senior Procurator sic publicari recusaverit, illum Officio Procuratoris *Specie Facto* privatum declaramus. Electio autem novi Procancellarii non ante viginti quatuor Horas post Vacationem, et omnino ante Horam quintam post Meridianam quinti Diei ejusdem Mensis fiat ad hanc Formam. Munere Procancellarii vacante, Præcones, Jussu Procuratorum, Congregacionem Regentium, et non-Regentium in Horam nonam aut primam quarti Diei ejusdem Mensis Novembris vocabunt: Alioquin ipsi Præcones in Horam nonam aut primam illius quinti Diei, id sua Authoritate faciant. Tunc Procuratores, assumptis duabus senioribus Doctoribus in Academiâ presentibus, aut horum Vice, si nulli in Academiâ fuerint, duabus senioribus in Theologia Baccalaureis, in Scrutinio stabunt, et conscripta sua ipsorum Suffragia primi ferent, ac deinceps omnium aliorum Regentium et non-Regentium Suffragia scripta accipient: Hæc senior Procurator aperte et separatim leget, et ille, ex duabus quos Præfecti Collegiorum nominayerint, et non aliis, Procancellarius erit, quem major Pars Regentium et non-Regentium Suffragiis suis elegerit. Si vero hoc Officium Procancellariatus infra Annum vacaverit, quam proximè ad Formam suprascriptam, infra Trium Vacationis cognitæ, novus eligetur,

De Electione Procuratorum.

CAP. XXXV.

VOLUMUS ut Collegia singulis Annis Procuratores futuri Anni ex non-Regentibus vel Regentibus tertii ad minimum suæ Regentiæ Anni nominent; et ut Ordinem inceptum et infrascriptum inviolabilitè observent: atq. cum ad Calcem Ordinis peruentum fuerit, rursus a Capite incipient; et ita circulariter in nominandis Procuratoribus juxta eundem Ordinem perpetuò procedatur. Quos sic nominatos, ante Vid. interp. inf. primum Augusti præfecti illorum Collegiorum, vel alii illorum Nominé Procancellario præsentabunt, eosdemq. sic præsentatos et nominatos, Regentes eligere omnino tenebuntur; nisi legitima Causa sive exceptio contra eosdem ante primum Octobris coram Procancellario allegata, et coram eodem et majori Parte Præpositorum Collegiorum infra quatuor Dies proximos probata, et approbata fuerit. Electio autem Procuratorum postridiè Dionisii erit, quo Tempore Procuratores, Taxatores, et Scrutatores anni præteriti munere suo se abdicabunt; et confestim postquam illi ab hoc munere decesserint, sine ullâ Intermissione ad Electionem novorum procedatur, ad hunc Modum. Concellarius, duabus Magistris Artium Regentibus senioribus assumptis, in Scrutinio stabit, et illi suo ipsorum scripta Suffragia primi ferent; deinde omnium aliorum Regentium scripta Suffragia accipient; quæ senior Magister Artium aperte et separatim leget, illiq. Procuratores erunt quos major Pars præsentium Suffragiis suis elegerit. Procuratores electi Sygraphas Cancellario dabunt de solvendo ^a regio Vectigali, ^b reliquâq. Pecunia Seneschallo et Bedellis pendendâ pro Liberatione Academie; et de omnibus illis Rebus per Seneschallum ^c Fees to the

^a 10th. per An.
due to the
crown præcinct
peçù vni &c.
^b V. Hare Vol. I.
f. 210.
^c Fees to the

Steward who holds the Leet, & to the yeoman Beadle. Academizæ in Scripta redigendis in Pergamo, et Procan-cellario tradendis, quæ in duobus Letis Academizæ quotannis præsentantur. Et Cancellarius Syngraphas non reddet, donec Procuratores sufficientes acquitanceas in publicam Academizæ cistam intulerint.

The Cycle now in use takes in Magd. Eman: & Sidn. & was made by order of K.Ch. the 24. V. Lit. Reg.inf. & Decr. Praef. inf.

Ordo secundum quem Collegia quotannis Procuratores nominabunt, inceptus An. Dni 1557, quoad Taxatores vero 1570.

1. Col. Regal. Aul. Trin.	12. Coll. Regin. Aul. Clar.	23. Coll. Johan. Coll. Magd.	3. Coll. Trin. Coll. Christi.
2. Coll. Trin. Dom. Petri.	13. Coll. Regal. Coll. Corp. Chris.	24. Aul. Pemb. Coll. Jesu.	35. Coll. Johan. Aul. Clar.
3. Coll. Johan. Coll. Christi.	14. Coll. Trin. Coll. Jesu.	25. Coll. Regal. Coll. Regin.	36. Aul. Pemb. Coll. Gonv. et Ca.
4. Aul. Pemb. Aul. Clar.	15. Coll. Johan. Dom. Petri.	26. Coll. Trin. Coll. Gonv. et Caii.	37. Coll. Regal. Coll. Corp. Chris.
5. Coll. Regal. Coll. Corp. Christ.	16. Coll. Christi. Coll. Gonv. et Caii.	27. Coll. Johan. Dom. Petri.	38. Coll. Trin. Coll. Regin.
6. Coll. Trin. Coll. Regin.	17. Coll. Regal. Aul. Pemb.	28. Coll. Christi. Aul. Clar.	39. Coll. Johan. Coll. Jesu.
7. Coll. Johan. Coll. Jesu.	18. Coll. Trin. Aul. Cath.	29. Coll. Regal. Coll. Corp. Chris.	40. Coll. Christi. Dom. Petri.
8. Coll. Gonv. et Caii. Aul. Kath.	19. Coll. Johan. Coll. Regin.	30. Coll. Trin. Aul. Pemb.	41. Coll. Regal. Aul. Cath.
9. Col. Regal. Dom. Petri	20. Coll. Christi. Dom. Petri.	31. Coll. Johan. Coll. Jesu.	42. Coll. Trin. Aul. Pemb.
10. Coll. Trin. Col. Christi.	21. Coll. Regal. Aul. Clar.	32. Coll. Regin. Aul. Cath.	43. Coll. Johan. Aul. Clar.
11. Coll. Johan. Aul. Pemb.	22. Coll. Trin. Coll. Corp. Chris.	33. Coll. Regal. Dom. Petri.	44. Coll. Regin. Coll. Gonv. et Cai.

Decernimus etiam quod quotiescunq. Officium Procuratoris infra Annum suscepti Officii, per Mortem, Cessionem, Resignationem, Deprivationem, Annotacionem, seu alio Modo quocunq. vacare contigerit, Aula Trinitatis pro reliquâ Parte Anni Procuratorem nominabit, et præsentabit, ad Modum et Formam suprascriptam quam proximè fieri potest, eligendum, nisi justa Causa, ut dictum est, impedit. Idem etiam observari volumus in omni hujusmodi Vacatione Taxatorum.

De Electione Scrutatorum.

CAP. XXXVI.

EODEM Die et Tempore quo Procuratores a Regenibus eliguntur, duo non-Regentes ad Officium Scrutatorum a non-Regentibus eleguntur ad hanc Formam. Stabunt in Scrutinio, jurati per Cancellarium, duo Seniores Dootores non-Regentes, aut eorum Defectu, duo Baccalaurei in Theologîa, aut in eorum Absentiâ duo seniores non-Regentes, qui sua et aliorum omnium non-Regentium Vota et Suffragia accipient, et senior electos per majorem Partem præsentium aperte pronunciet: qui, jurati per Cancellarium, Scrutatorum Officio per illum Annum gaudebunt.

The Scrutators
are now nomi-
nated by the
Colleges in
course.

V. Dec. Prof.
inf.

V. etiam Grat.

De Electione Edilium, sive Taxatorum.

CAP. XXXVII.

VOLUMUS etiam, ut Collegia bina Annis singulis duos Regentes vel non-Regentes nominent Taxatores futuri Anni eo

• On Pain of
forfeiting 10^l.
to the Chest.
V. Gr. inf.

Ordine qui in nominandis Procuratoribus præscriptus est, incipiendo hoc Anno ab his Collegiis, quæ in primo Loco constituuntur, et eodem Ordine et Cursu progrediendo et recurrendo. Hos Præfecti Collegiorum seu alii eorum Vice Cancellario ante primum Septembris præsentabunt, quos Regentes eligere omnino tenebuntur, et non alios, si nulla legitima Causa vel Exceptio impedit, ante primum Octobris Cancellario alleganda, et infra quatuor Dies proximos eodem et majori Parte Præfectorum Collegiorum probanda et approbanda. Electio autem fiet ad Formam sequentem: Postridie Dionisii, videlicet Horâ primâ post Meridiem, stabunt in Scrutinio Cancellarius et duo Procuratores, et sua primum Vota simûl, sed diversis tamèn Scriptis, de utroq. Taxatore ferent. Deinde omnium similiter Regentium scripta Suffragia accipient, ea senior Procurator apertè leget, et illi Taxatores erunt, quos major Pars præsentium elegerit.

De Præconum seu Viatorum Numero Officio et Electione.

CAP. XXXVIII.

For nomination
of Bedles, see
Interp. of Stat.
& order of
Council 1669.

TRES runt Præcones seu Viatores Armigeri, pari Loco, et Munere, et unus inferioris Loci Bedellus. Illorum vero trium si quando Munus vacaverit, Cancellarius curabit Congregationem Regentium et non-Regentium intra Triduum in Horam nonam subsequentis Diei vocandam. Tunc Cancellarius et Procuratores primò sua ipsorum Suffragia scripta ferent, deinde cæterorum omnium præsentium scripta Suffragia accipient; quibus palam et separatim per seniorem Procuratorem lectis, ille Præco renuntiabitur, quem major Pars suffragantium elegerit; quem Cancellarius Jurejurando astrictum ad hoc Manus admittet. Pecuniam autem aliquam

aut Munus aliquod neq. Cancellarius, neq. Procuratores, nec quisquam alius Regentium et non-Regentium, nec ante Electionem nec Post, pro Suffragio suo vel requirat, vel oblatum accipiat; sed eos ad hujusmodi Munera sine ulla Mercedis Expectatione, aut Acceptione eligent. Et si quis contra fecerit, perpetuò infamis, Jus Suffragii amittat. Et quamquam volumus unumq. Praeconum aut Viatorum sic electam, et admissum, ad omne Tempus Vitæ suæ in hoc Officio permanere, nisi insignis aliqua Culpa Expulsionem et Ejectionem requirat: quo diligentius tamèn in Officio versentur iudem Praecones, aut Viatores, post Festum Sancti Michaelis, primâ illius Termini Congregatione, Baculos suos Cancellario tradant, qui cum Procuratoribus secretè in quodam Scrutinio a Regentibus et non-Regentibus et quæreret, quemadmodum se gesserunt; num seduli ac diligentes Administri fuerunt: qui si sedulò et honestè Officium suum fecisse judicabuntur, Cancellarius illis Baculos reddet, et illorum Integritatem ac Diligentiam laudabit, et ad similem Diligentiam et Integritatem hortabitur: at si quid ab illis per Negligentiam admissum fuisse quisquam Magistrorum questas fuerit; aut si non fecisse Officium suum a quoquam Magistrorum Artium conquestum fuerit. Cancellario, tum Cancellarius eos adiponebit sui Muneris, aut aliter pro Ratione Culpe castigabit, atq. corriget. Sin vero quocunq. Tempore Quisquam illorum insigniter negligens adversus Cancellarium, Procancellarium, aut Procuratores fuerit, et post alteram et tertiam Admonitionem corrigere sese noluerit; vel aliquod detestabile Flagitium perpetraverit, unde Academia in magnam Infamiam prolabatur; Cancellarius, advocatis sibi Procuratoribus, et Ædium Praefectis, cum Assensu majoris Partis eorum, eum Praeconem munere suo dejectat: et tum novus Praeco ad Formam præscriptam eligitur. Praecones Armigeri tres æquale Stipendium, æqualem Mercedem aceipient, ad equadem Diligentiam et Laborem devincti. Stipendium his et Merces proveniet, quemadmodum Decreto nostro, quid quisq. Gradus singulis Ministris solvat;

Unumquemq.

constituitur. Horum trium et Viatoris inferioris præterea Officium erit, quotidiè ac diligentè Cancellario adesse, eiq. in omnibus quæ ad Munus Cancellariatus, et ad illorum quoq. Officia spectabunt, inservire et diligentè providere; ne, quando referat illos adesse, absentes aut extra conspectum sint. Singulis singularum Artium Disputationibus duo aut unus ad minimum ex illis semper intersit, si Disputator supra Gradum Baccalaurei sit, et Disputatorem Domo ad Scholas deducat, iterumq. a Scholis Domum reducat.

*De Electione Custodum et Auditorum communis
Cistæ sive Ærarii Publici.*

CAP. XXXIX.

AB Universo Academiæ Senatu quotannis duo non-Regentes continuo post Electionem Procuratorum eligentur, ut sint publici Ærarii cum Cancellario et duobus Procuratoribus Custodes. Hi quinq. communis Cistæ quinq. diversas claves habeant. In qua Sigillum Academiæ, Pecunia, Vasa Aurea et argentea, et ornamenta alia Academiæ conservabuntur. Nihil sine Academiæ Consensu hoc Sigillo obsignabitur; nec Pecunia ulla, aut Vasa aurea vel argentea sine horum Notitiâ, et Assensu inde extrahentur. In cuiuslibet Termini Exitu, in communem Cistam Procuratores referent quicquid Pecuniæ ad Academiæ Usum receptum, illorum in Manibus est. Item eodem Tempore tres alii Regentes aut non-Regentes eligentur, qui cum Procancellario Procuratorum, et aliorum Ministrorum Rationes audient, qui ad Pecuniam Academiæ vel accipiendam vel impendendam designati sunt. Quæ Rationes omnes non modo initæ, sed etiam confectæ erunt infra duodecim Dies post novorum Procuratorum Elec-

tionem, sub Pænâ decem Librarum Academiæ persolvendârum ab eo qui fuit in Causâ, cur inita aut perfecta Ratio prius non fuit.

De Nominatione et Electione Lectorum, et reliquarum Officiariorum.

CAP. XL.

NOMINATIONES et Electiones Lectorum, Bedellorum, Stationariorum, Gageatorum, Vinopolarum, et aliorum Ministrorum, seu Officiariorum Academiæ quorumcunq. dè quibus aliter a Nobis non est provisum, sequentur Modum et Formam in Electione Procancellarii præscriptam; fientq. ^a *intra quatuordecim Dies post Vacationem*, nisi alitèr Statutis nostris aut Fundatione cautum sit. Quæ aliter factæ fuerint, ipso Jure nullæ sint et irritæ.

^a There have been three notable Interpretations here; one for prick-ing of Members of Parliament V. Interp. inf.

De Capite in quavis Congregatione per Annum eligendo, et de ejus Authoritate.

CAP. XLI.

NE Caput negligere videamus dum de reliquo Corpore providemus, hac Lege cautum sit, ut Horâ primâ duodecimi Octobris post Meridiem conveniant in Domo Regentium Cancellarius, Collegiorum Præfecti, Doctores, Procura-

tores, et Scrutatores ad eligendos illos, qui propter Cognitionem, Gravitatem, atq. in Rebus gerendis Prudentiam et Fidem, Caput Senatus meritò appellari solent. Eo igitùr Tempore Cancellarius unum Theologum Doctorem, unum Jurisconsultum, Medicum unum, unum non-Regeutem, et alterum Regentem nominatim scribet: uterq. quoq. Procuratorum ex singulis illis Ordinibus similitè unum alium nominabit: et ex his quindecim Præfecti Collegiorum, Doctores, et Scrutatores quinq. i. e. ex singulis Ordinibus et Facultatibus unum Punctis suis notabunt: et eos, in quos plures Numero præsentium consentiunt, licet majorem Partem non faciunt vel sequant (si Ratio habeatur totius Numeri) senior Procurator in proximæ Congregationis initio Regentibus et non-Regentibus significabit: eosdemq. cum Cancellario Caput totius Senatus futuri Anni apertè et publicè pronuntiabit. Et si de aliquo uno illorum quinq. plures Numero, ut supradictum est, in primo, secundo, et tertio Scrutinio non convenerint; tunc ad Cancellarium, et duos Seniores Doctores tum præsentes, aut eorum Majorem Partem, quorum Cancellarius unus sit, Electio pro illâ Vice pertinebit. Si autem quisquam istorum forte abfuerit ab aliquâ Congregatione, illius Locum occupabit senior illius Facultatis tum præsens; et si talis non reperiatur, tum aliis in alia Facultate Senior, præsens in Senatu illius Vicem eo Tempore geret, a Cancellario evocatus. Horum autem Authoritas est in omni Senatu, et Congregatione de omnibus Petitionibus priùs decernere, quam ad reliquum Senatum deferantur: ita ut illæ Gratiae solæ approbentur, et Regentibus et non-Regentibus proponantur, in quas singuli eorum consenserint, et non aliæ: et si quicquam in Senatu petatur, aut concedatur, quod non sit priùs istorum judicio et assensu comprobatum, nullum erit omnino et invalidum, nisi his nostris Statutis aliter cautum sit. Quicunq. fuerit ad Magistratum in Academia gerendum legitimis Suffragiis ascitus, ille Magistratum recipere non recusabit, aut tardabit; nisi justam Excusationis Causam attulerit, ad illis com-

probandum, quorum Suffragius electus fuit. Illud autem omni Diligentia et Cautione observetur, ut in Procuratoribus et Taxatoribus, quemadmodum et in cæteris Magistratibus eligendis et nominandis, omnes, quorum interest imprimis elaborent, ut quos rectate, eruditione, gravitate, et prudentiâ cæteros anteire judicent, eos, sive Regentes sive non-Regentes sint, ad munus Academie suscipiendum eligant.

De Cancellarii Officio.

CAP. XLII.

CANCELLARIUS potestatem habebit ad omnes omnium scholasticorum, atq. etiam eorum famulorum controversias summarie et sine ultra juris solennitate, praeter illam quam nos prescribemus secundum jus civile, et eorum privilegia et consuetudines, tum audiendas, tum dirimendas: ad congregations graduatorum et scholasticorum convocandas; ad homines dignos gradibus scholasticis ornandos, qui omnia Mumia scholastica his contenta statutis expleverint; et ad indignos rejiciendos ab iisdem et repellendos; ad omnes illorum violatores puniendos: ad providendum praeterea, ut singuli Academie ministri in suo officio se contineant; ignavos, grassatores, rei sue dissipatores, contumaces nec obedientes, suspensione graduum, carcere, aut alio leviori suppicio judicio suo castigandos.. Non licebit tamen Cancellario aliquem scholarem exilio mulctare, aut aliquem pileatorum aut praefectorum collegiorum incarcерare absq. consensu majoris partis praefectorum Collegiorum. Regentes omnes et non-Regentes a principiis congregationum ad finem remanebunt, nisi impetrata a Cancellario veniam,

licentiam discedendi habeant, sub pœna duodecim denariorum quotiès peccaverint: singuli Regentes etiam et non Regentes, qui in Academiâ maximè commorantur, et intra Ambitum Academîæ sunt, et vocati, ab aliquâ congregatōne aut concione ad Clerum absunt, a Cancellario duobus solidis mulctentur; cuius Mulctæ dimidium inter Cancellarium et Procuratores æqualiter dividetur, dimidium autem Academîæ assignetur. Quicquid statutis nostris Academîæ Cancellario faciendum attribuitur, in ejus Absentiâ hoc idem a Procancellario fiat. Eidem Cancellario cum consensu totius Academîæ licebit nova Statuta ad eruditioñis amplificationem, et decori atq. honesti conservationem inter scholasticos habendam sancire; sic ut ea his decretis nostris nihil detrahant aut officiant.

De Officio Procuratorum.

CAP. XLIII.

De Autoritate
Procuratorum.
V. inf.

* V. Interp.
inf.

PROCURATORES Academîæ publicis Disputationibus jurisconsultorum, Medicorum, et Magistrorum artium intererunt, et convenientem et decorum Ordinem conservandam curabunt; et quamdiù contra quisq. disputabit, præscribent: exordia longa, argumenta nugatoria, quæ magnum disputationibus afferunt detrimentum, præcident, * et providebunt, ut omnes qui præsto esse tenentur, adsint, nec sine legitimâ et approbatâ causâ, aut veniâ impetratâ discedant; eosq. qui contra faciunt, primo tempore quatuor denariis, secundo duodecim, tertio viginti denariis, quarto graviori pœna mulctabunt. Si gravior illi qui mulctatur mulcta esse videbitur, ad Cancellarium provocatio fiet. Procuratorum

etiam erit, providere, ut singuli suas in respondendo vices atq. ordinem conservent; eunq. qui deliquerit violati ordinis reum ad Cancellarium deferent. Cancellarius eum qui deliquerit, primò pecuniâ præfinitâ mulctabit; iterùm delinquenti duplicabit mulctam; tertio verò si deliquerit, Cancellarius illum gravius pro arbitrio suo coercedit. At vero si qui sic offenderit baccalaureus artium primi vel secundi anni, aut inferioris ordinis fuerit, primò quinq. solidis, secundo decem solidis, tertio vero pro Cancellarii arbitrio gravius coerceditur. Harum omnium mulctarum triens unus Procuratoribus, alter Præconibus, tertius ærario publico dividatur, quæ nisi statim persolvantur, violator ordinis pignoribus captis coerceatur, quæ ad eam summam perveniant; et post novendum ea distrahantur, nisi interea temporis pro mulcta satisfaciat. Unus ex Procuratoribus semper disputationibus philosophicis Magistrorum artium adsit, quarum moderator esse debet; si abfuerit, tribus solidis et quatuor denariis, quoties abfuerit, mulctabitur. Procuratores in matriculatione præsentes, et officium suum diligentè facientes, singulis matriculationum diebus tres solidos et quatuor denarios ex ea pecuniâ matriculatoriâ accipient.

v.Stat. 23. Sup.

De Oratore.

CAP. XLIV.

ORATOR Academiæ, nisi impetratâ a Cancellario veniam, non discedat, et idoneum aliquem ad id tempus vicarium substituat, neq. illi hac venia licebit plus tribus mensibus toto anno abesse sub pena muneris oratorij amittendi, nisi veniam ab Academia ubiorem habeat.

*De Oratore, et
ejus officio. V.
inf.*

De Concionibus.

CAP. XLV.

• **N**ULLUS concionator sit, vel aliquam concionem pro gradu suo habeat, nisi ad minimum diaconus sit. Octavâ Maii ad Henrici septimi commendationem sacra concio sit, quam Regius in Theologiâ Professor faciat. Pridiè uniuscujusq. termini concio latina horâ nonâ antemeridianâ in ecclesia beatæ Mariæ habeatur. Primo termino anni concionabitur Regius Professor in Theologiâ; secundo Professor dominæ Margaretæ; tertio concionator Academiæ. Unoquoq. die dominico de anno in annum conciones in Academiæ templo fiant: ordo idem collegiorum in concionibus observabitur, quem in disputationibus præscripsimus; incipiendo a senioribus, qui concionatores sunt in unaquâq. combinatione, et sic progrediendo ad juniores. Qui cursum suum in concionando omiserit * viginti solidis mulctabitur.

Collegia pro singulis concionibus solvent Bedellis quatuor denarios, nisi quis pro gradu concionatur. Concionatores autem in concione suâ utentur caputio usitato non-Regentis sub pæna sex solidorum et octo denariorum, quotiè deliquerint.

Prohibemus ne quisquam in concione aliqua, in loco communi tractando, in lectionibus publicis, seu alîter publicè intra Universitatem nostram quicquam doceat, tractet, vel defendat contra Religionem, seu ejusdem aliquam Partem in regno nostro publicâ autoritate receptam et stabilitam; aut contra aliquem statum, autoritatem, dignitatem, seu gradum vel ecclesiasticum vel civilem hujus regni nostri

De his concionibus. V. Grammat. inf.

* The penalty
is now 40s. V.
inf.

De hujusmodi
oppugnatori.
bus Ecclesiæ
Anglicane. V.
inf.

Angliæ, vel Hiberniæ: qui contra fecerit, errorem vel temeritatem suam Cancellarii jussu cum assensu majoris partis præfectorum collegiorum revocabit, et publicè confitebitur. Quod si recusaaverit, aut non humilitèr, eo modo quo illi præscribitur, perfecerit, eadem autoritate à collegio suo perpetuò excludatur, et Universitate exulabit.

De Vestitu Scholarium.

CAP. XLVI.

STATUIMUS, ut nemo ad aliquem in Universitate gradum evectus, nisi togâ talari, caputioq. ordini congruente, aut ad minimum insigni circa collum sacerdotali induitus collegio exeat: contra delinquentis sex solidi et octo denarii mulcta sit. Et si quispiam disputationi publicæ in suâ facultate, publicis in ecclesiâ beatæ Mariæ precibus, concioni ad Clerum, sepulturis, congregationibus, sine togâ, habitu, et caputio gradui suo convenientibus, juxta antiquum Academiæ morem, interfuerit, eandem mulctam incurrat. Item statuimus, ut Socii cujusq. Collegii, et Graduati qui non sunt Socii, dum moram traxerint in Universitate, superiore pileo scholastico et quadrato, nisi ægrotaverint, utantur, et non alio, tam in collegio quam extra collegium, sub pœnâ prædictâ. Prohibemus etiam, ne quis scholarium cuiuscunq. conditionis sit, galero utatur, aut in collegio aliquo, aut extra collegium, nisi ægrotaverit, sub eadem pœna quotidie deliquerit.

Volumus etiam, ne quisquam, studiorum nomine degens in Academiâ, ultra unam virgam et dimidiatam panni in exteriori parte caligarum gestare præsumat; neve caligis

De vestitu non-
Graduariorum.
V. inf.

fenestratis, concisis, serico contextis, aliquo modo distentis, et suffarinatis incedat, sub pæna sex solidorum et octo denariorum quoties deliquerit.

Præterea volumus, ne quisquam aliquo collegii stipendio sustentatus, aut ad aliquod beneficium ecclesiasticum admissus Camisiâ, rugato collari, aut ad manus rugatis plicaturis, sub pænâ prædictâ utatur. Licebit tamen mediocri collari rugato uti, modo nihil ex serico intexatur: priviso tamèn ne superiores de vestitu ordinationes, Dominorum liberos, aut Militum hæredes aliquo modo astringant. Socii, Discipuli, et Pensionarii singulis dominicis et festis diebus in Chorum honesto cum apparatu et superpelliciis tecti veniant; Graduati autem cum caputiis gradui suo convenientibus sub pæna duodecim denariorum. Quod si quis a collegii Magistro requisitus Chorum ingredi cum superpellicio et caputio neglexerit, vel recusaverit tempore publicarum precum, pro prima vice commeatu unius septimanæ, pro secunda vice duarum, pro tertia mensis mulctabitur, pro quartâ collegio privabitur: neq. ullum librum secum afferat, qui non vel Scripturæ pars sit, vel ad Scientiam Scripturæ pertineat.

De Modestia et Morum Urbanitate.

CAP. XLVII.

V. Interp. inf.
ad tollendas
ineptias in
Disp. Comitia-
libus.
* V. inf.

MODESTIAM suo ordini convenientem omnes in omnibus locis colant, præsertim in concionibus et congressibus publicis. Inferiores ordines superioribus loco cedant, * et debitâ reverentiâ prosequantur; hujus rei violatores, si non fuerint adulti, virgâ a suis coercentur; sin adulti, primò

asperè verbis castigentur; secundò hebdomadæ commeatu; tertio menstruo commeatu mulctentur; quarto e collegio ejificantur. Aleæ nullo tempore, Chartæ pictæ non nisi Christi nativitatis tempore, i. e. duodecim diebus tantum post diem nativitatis, idq. moderatè et idoneo tempore in Aulis tantum usurpentur, sub pænâ expulsionis post secundam admonitionem. ^a Quotidianæ oppidi frequentationes, sessiones in oppido diurni vel nocturni temporis, et pecuniae inanæ collationes minime usurpentur. Nulla gladiatoria, Lanistaria, aut saltatoria Schola, nec domus aleatoria, nec Galli prælium, aut ursorum aut taurorum pugna intra oppidum Cantebrigiæ sit, aut frequentetur sub mulctâ quadraginta solidorum ei imponendâ, qui hoc statutum, aut aliquam ejus partem violaverit. Nullus ex Scholasticis scutis ludat; nec otiosus, eorum qui ludunt, spectator adstet; nec galli prælio adsit, aut lusui gladiatorio vel saltatorio, aut ursorum vel taurorum pugnæ sub pæna trium solidorum et quatuor denariorum, quoties in hac re peccaverit. Nemo in Pupillari statu degens, nisi uni ejusdem collegii, ordinis, et conditionis sodali associatus, concessâq. prius a Tute ^{vel} Decano, vel collegii præfecto veniâ, in oppidum exeat; si secus quis exierit, mulctam arbitrio Cancellarii, vel præpositi collegii cuius est, infligendam incurrat. Pauperes tamen scholares et Sizatores ex licentiâ Tutorum, dum in necessariis eorum negotiis versantur, soli exeentes huic decreto minimè astringantur. Statuimus etiam, ut nemo cujuscunq. gradus aut ordinis fuerit, (publicos privatosq. Magistratus excipimus in executione suorum officiorum occupatos) forum frequentet, vel diutiùs in aliquâ oppidi plateâ moretur, sub pæna duorum solidorum, quoties quis deliquerit, imponendâ. Neq. quisquam Scholaris, cujuscunq. gradus aut Ordinis fuerit, in conventibus, quos Sessiones vocant, Judice pro Tribunal sedente, in illum statum se ingerat, nisi priùs petitâ a Cancellario veniâ; qui secus fecerit viginti solidis puniatur. In nundinis Sturbrigiensibus, vel ijs quæ ad festum sancti Johannis Baptistæ tenentur, depre-

^a Against Clubs,
or any resort-
ing to Taverns.

V. inf.

^a Batchs of Law
& Physiek &
Mⁿ of Arts are
subject to this
Statute. V. inf.

hēc sūt infra gradū Magistri in Artib⁹ (hī speciali lice-
tiā p̄fēcti collegii, vel, eo absente, vices ejus gerentis se
defendat) tres solidos et quatuor denarios nomine p̄ēnē pen-
dat. Inhibemus ne eorum quispiam, qui in oppido tabernas
aut cauponas aperiant, vel cibaria vendant, aliquem schola-
rem ad mensam, commissationes, compotationes, lusum,
morā noctū aut interdiū in suas tabernas, popinas, aut
diversoria recipiant, vel apud se latere patientur: mulctam,
qui hanc ordinationem offenderit, incurrit quadraginta soli-
dorum in usum Universitatis applicandorum pro prima et
secundā vice; tertio autem, sic ut p̄fērtur, recipiendo
Scholares delinquentes, ultra predictam pecuniariam mult-
tam, nē popinas, tabernas, hospitia aut diversoria aperiant,
neve esculenta aut potulenta in posterum vendant, omnino
interdicantur. Baccalaurei tamen Legum, Medicinæ, Mu-
sicæ, Artium Magistri, et superiores gradus; Pupilli etiam
Tutores comitantes, vel ad parentes et amicos, in oppidum
tanquam hospites adventantes, accersiti solammodo ad
prahdiam et cænam impunē recipi possunt. Possunt etiam
ejus ordinis Scholares extra tempus prandii et cænæ ex spe-
ciali licentiā p̄fēcti collegii, similitèr impunē honesta di-
versoria intrare, atq. ibidem commorari. Statuimus etiam,
ne quisquam ~~xxxviii.~~ in rebus mobilibus Scholarium exerceat,
i. e. ne emat vilius, que mox charius vendat, nisi per Can-
cellarium admissus, (quām paucissimos autem admittat) et
interventu fidejussorum obligatus, sub p̄ēnā carceris et de-
cem librarum in usum Academie convertendarum: quin-
etiam sic obligatus in cautiope fidejussoriā caveat de libro
sive registro custodiendo, eoq, singulis anni quartis Cancella-
rio exhibendo, in quo nomen venditoris, vel traditoris, colle-
gii in quo degit, res vendita, vel pignoris loco tradita, pre-
tium emptionis et venditionis, dies contractus contineatur.
Porro librum eum sic exhibitum, convocato ad se altero
Procuratoruī, Cancellarius examinabit.

Qui famosum libellum ignarus sive domi sive foras repe-
xierit, aut corrumpat aut igni tradat, antequam alter inveniat:

qui vero alteri fateatur inventum, et vim illius declaraverit,
sciat se tanquam autorem delicti puniendum, et Universi-
tate expellatur.

De Causis Forensibus.

CAP. XLVIII.

OMNES causæ et lites quæ ad Universitatis notionem
pertinent tam Procancellarii, quam Commissarii Judicio
subjiciantur; nisi Procuratores, vel Taxatores Academiæ,
aut eorum aliquis, vel Magister Artium, aut qui supra illum
fuerit, alter litigantium sit; tunc enim Procancellarii solius
erit jurisdictione; nisi in nundinis Sturbrigiensibus, et iis quæ
ad festum sancti Johannis Baptiste apud Barnwell tenean-
tur. Finem autem accipient *intra triduum*, si fieri potest,
omni juris solennitate semotæ: à sententiâ Commissarii ad
Procancellarium appellabitur *intra viginti quatuor horas*
post latam sententiam: à Procancellario autem, sive lis
coram eo cœpta sit, sive per appellationem ad eum devoluta,
ad Universitatem provocatio fiet *intra biduum à tempore*
latæ sententiæ, et non post: *sua[m]q[ue]* appellationem intimabit
Appellans alteri Procuratorum *intra triduum latæ sententiæ*:
ille vero statim nomine Academiæ judicem a quo inhibebit,
ne quid pendente appellatione attentare vel innovare præsu-
mat; prius tamèn duobus solidis ab appellante honorarii
loco acceptis; nec non *viginti solidis* apud eum depositis
appellant restituendis, si justam fuisse causam probetur;
vel in usum Academiæ convertendis, si temerè appellasse
convincatur; aut si post datos judices a prosecutione cessa-
verit, vel culpâ suâ cognitio deferatur. Causæ appellatio-
num ad Universitatem ultra decem dies, si fieri possit, post

De his causis
pleniùs provi-
sum est. inf.

No Proctor
may take a Fee
after the 3d
court day.
V. inf.
De Appellatio-
nibus. V. inf.

* Sub pena 20. **datos judices non * protrahantur; nec secunda provocatio et fœdarum, et beneficij appellationis.**
V. inf.

et binnino admittatur. Judices delegati tres ad minimum, nec plures quam quinq. pro qualitate causæ in omni appellatione dabuntur; et sententia majoris partis illorum standum est. Potestas autem nominandi judices sit penes quinq. illos viros, qui pro Capite illius anni constituti sunt, et duos Procuratores; et qui a majore parte istorum nominati fuerint, ad Regentes et non-Regentes deferentur suffragiis suis eligendi, si placent iis; alioquin mutatis uno vel altero, alii eorum loco per dictos Septemviros surrogati, proponentur eligendi; et si hi quoq. displicant, similiter tertio fiet; quod si nec tertio loco positi elegantur, licebit dictis Septemviris, aut eorum majori parti pro illa vice tantum delegatos judices eligere et dare: et si major pars Septemvirorum vel in nominandis judicibus, vel in eligendis illis, quando electio ad eos devolvitur, non convenient, tunc plures numero prævalebunt, licet majorem partem vel æquam habitâ ratione totius numeri non efficiant.

De Solutionibus faciendis ab iis qui gradus suscipiunt,

CAP. XLIX.

SOLUTIONES faciendæ Academiæ Cancellario, Procuratoribus et Bedellis, &c. ab iis qui gradus suscipiunt, in admissione suâ, &c.

Magister Grammatices, præter id quod solvat magistro Glomeriæ, solvet pro Communâ 12^d. Pulsatori Campanæ 4^d. Registrario 4^d. Bedellis in admissione 13^d. 4^d.

Summa 15^d. 0^d.

STATUTES, &c.

201

Baccalaureus in Artibus solvet in sua admissione Cancellario 4^d. Præsentatori 4^d. Procuratoribus 8^d. pro Communâ 12^d. pro Mathematicâ Lecturâ 8^d. Registrario 2^d. in respondendo Questioni tria paria Chirothecaruni, vel 6^d. pro Collectis 1^r. 4^d. in admissione 5^r. 4^d. in die Cinerum 6^a. Capellano Academiae 12^d. pro Compotatione 3^r. 4^d.

Summa 15^r. 2^d.

Baccalaureus incorporatus solvet tantundem.

Baccalaureus solvet Bedellis pro introitu in libros Posteriorum 5^r. 4^d.

Summa 5^r. 4^d.

Inceptor in Artibus solvet Cancellario 2^r. Præsentatori 12^d. Procuratoribus 2^r. pro Communâ 1^r. 8^d. pro Mathematicâ Lecturâ 3^r. pro Commutatione 4^d. Registrario 4^d. Pulsatori 4^d, Bedellis pro visitatione 5^r. 4^d. pro prandiis et Chirothecis 3^r.

Summa 19^r. 0^d.

Baccalaureus in Musicâ solvet Cancellario 2^r. Præsentatori 2^r. Procuratoribus 2^r. pro Communâ 1^r. 8^d. Registrario 4^d. Pulsatori 12^d. Bedellis pro Collectis 4^r. 8^d. pro prandiis 1^r. 6^d. pro visitatione 6^r. 8^d. pro chirothecis 1^r. 6^d. pro introitu 6^r. 8^d.

Summa 30^r.

Baccalaureus in Medicinâ et in jure civili solvent quemadmodum dictum est de Baccalaureis in Musicâ.

Item admissus ad practicandum in Chirurgiâ vel Medicinâ, gremialis sive non, Cancellario solvet 2^r. Procuratoribus 2^r. pro Communâ 1^r. 8^d. Registrario 4^d. Pulsatori 12^d. Præsentatori 2^r. pro Collectis 8^r. pro introitu 6^r. 8^d. pro responsione 6^r. 8^d. pro prandiis et Chirothecis 3^r. pro visitatione 6^r. 8^d.

Summa 40^r.

Procurator in Curia 2^r. 4^d.

Inceptor in Musicâ, Medicinâ, vel jure civili solvet Cancellario 2^r. Procuratoribus 2^r. pro Communâ 1^r. 8^d. Registrario 8^d. Pulsatori 12^d. Bedellis pro Collectis 2^r. 8^d. pro

duabus responsionibus 13^s. 4^d. pro introitu 6^s. 8^d. pro prandiis et chirothecis 3^s. crastino Comitiorum 13^s. 4^d. pro Calendario 3^s. 4^d. Præsentatori 2^s.

Summa 2ⁱ. 11^s. 8^d.

Baccalaureus in Theologia solvet Cancellario 2^s. Præsentatori 12^d. Registrario 6^d. pro prima responsione 6^s. 8^d. pro introitu et visitatione 6^s. 8^d. pro prandiis et chirothecis 3^s. Procuratoribus 2^s.

Summa 1ⁱ. 1^v. 10^d.

Item solvet admissus ad opponendum Procuratoribus 2^s. Præsentatori 12^d.

Summa 3^s. 0^d.

Inceptor in Theologiâ solvet Cancellario 2^s. Præsentatori 12^d. Procuratoribus 2^s. pro Communâ 1^s. 8^d. Registrario 8^d. pro intreitu Bibliæ 6^s. 8^d. pro prandiis et chirothecis 3^s. pro visitatione 13^s. 4^d. pro Calendario 3^s. 4^d.

Summa 1ⁱ. 13^s. 8^d.

Quilibet prædicans pro Formâ, seu ad Clerum, seu determinans quæstiones dabit Bedellis prandium, vel duodecim denarios inter eos dividendos.

Incorporatus in aliquâ Facultate solvet prout de corporatis dictum est, servatâ Taxâ suæ propriæ Facultatis.

V. Interp. inf.

Quilibet admissus in aliquâ Facultate solvet Procuratoribus et Scrutatoribus pro Gratia petendâ juxta antiquum Academiæ morem.

Omnes incipientes in aliquâ Facultate dabunt Cancellario, Patri, et Procuratoribus pro Creatione et disputatione præveteri more Academiæ.

Admissi ad incipiendum in Jure dabunt Doctoribus suæ Facultatis præsentibus in admissione juxta antiquum morem Academiæ 6^s. 8^d.

Omnes admissi in Jure satisfacient Ordinario Professori ejusdem pro Cathedrâ, quam conduxit ab Academiâ sive sint Baccalaurei, sive Inceptores.

V. Interp. inf.

Omnes quorum annuus reditus est ad valorem quadraginta Marcarum, præter stipendia quæ habent à collegiis

suis, aut ab Academia ratione alicuius Lecturæ, ad gradum aliquem scholasticum promovendi, dabunt Cancellario, Procuratoribus, reliquisq. Officiariis togas solito more Academæ, aut cum his component rationabiliter. Cujuscunq. Facultatis Doctores, et reliqui soliti componere cum Officiariis, retinebunt solennem invitandi morem Regentes, pridie vesperiarum Comitadium, et dabunt Bedellis solitam Collectam.

Doctor Cathedræ Juris civilis, qui commoda percipit ab his, qui gradibus Juris civilis initiantur, is Academæ viginti sex solidos et octo denarios annis singulis persolvat, et consueta stipendia Bedellis.

Sizatores in Matriculatione quatuor tantum denarios solvent, cæteri omnes quemadmodum ante soliti sunt.

Si Terminum aliquem propter sævitiam pestis intermitti contingat, nihilo tamen seciùs omnes illi quorum interfuisset munus aliquod literarium obire mercedem in Terminis pendit solitam ministris Academæ solvere teneantur.

Stipendia solvenda annuatim Bedellis ad quatuor anni terminos per Academiam et singula Collegia.

Academia solvet annuatim - £12. 16s. 08d.

		£.	s.	d.
Coll. Regale	-	-	1	0
Coll. Trin.	-	-	1	6
Coll. Johan.	-	-	0	13
Coll. Regin.	-	-	0	6
Coll. Christi	-	-	0	6
Aul. Pemb.	-	-	0	6
Coll. Petri	-	-	0	5
Aul. Clar.	-	-	0	5
Aul. Trin.	-	-	0	5
Coll. Corp. Christi	-	-	0	4
Coll. Gonv. et Caii	-	-	0	4
Coll. Jesu	-	-	0	4
Coll. Magd.	-	-	0	2
Aul. Cath.	-	-	0	2

De Ordinationibus Collegiis præscriptis.

CAP. L.

1. PRIMO uniuscujusq. Termini die fractio panis et sacrosancta Communio celebretur in singulis collegiis, nec non preces generales ad Deum, atq. brevis exhortatio ad Scholasticos a Magistro collegii vel ejus vicario fiat; ut se studiis Literarum et pietati dedant, et à Deo, fonte et autore omnis pietatis, cognitionis et, scientiæ, atq. adeo bona-ruin rerum omnium, auxilium et supprias ad suos labores impetrent.

§ 2. Singuli collegiorum Præfecti bīs quotannis omnes Scholasticos suos ad aliquod studium sacris Literis adhibendum, sed imprimis, ut dominicos festosq. dies prece, lectioneq. earum sanctificant, exhortabuntur.

3. Singulis profestis diebus convenient omnes Socii et Scholares ad horam quintam antemeridianam, et ibi preces matutinas reverenter et religiosè celebrent.

4. Post communes in aurorâ ad horam quintam preces, Locus communis in collegiis Regis, Trin. et Johan. ter tractabitur, et in cæteris collegiis idem Locus communis bīs ad minimum in hebdomadâ eâdem horâ tractabitur.

5. Singuli collegiorum socii et Pensionarii, qui supra gradum Baccalaureatûs Artium et infra Doctoratûs gradum in aliqua Facultate fuerint, Locum communem suo ordine tractabunt per hebdomadas, a senioribus incipiendo, atq. ita ad infimos progrediendo; quod, qui in cursu suo non fecerint, menstruo Commeatu mulcentur.

6. Socii, Discipuli, Pensionarii, et Scholastici singuli, qui nondum quadragessimum annum attigerint, neq. ad

Doctoratus gradum aspirarunt, neq. Præfecti collegiorum sunt, matutinis horâ quintâ precibus, et Loco communi intererunt sub pæna ea quæ instatutis adversus eos constituta est, qui in divino Servitio (ut vocant) non intersint: in quibus collegiis nulla pæna constituta est, absentes pro singulis absentiis siuguli duobus denariis mulctentur.

7. Singulæ absentiæ et tarditates a vesperis, matutinis et Synaxi communi Parliamenti consensu constitutâ, cæterisq. communibus precationibus quatuor denariis mulctentur.

8. A primâ die Termīni usq. ad extremam, collegia singula problemata singulis diebus Veneris, et cætera etiam problemata, per statuta illis aliis diebus assignata, sine ulla exceptione iisdem diebus hebdomadatim observent; quod si non fecerint, qui respondere deberent, singuli quorum interest id efficere 6^{s.} 8^{d.} Opponentes vero singuli 3^{s.} 4^{d.} mulctentur.

9. Problemata Theologica observentur tam per Bacca-
taureos Theologiæ quoscunq. quam per Magistros Artium;
et Decanus constituatur, qui Moderator sit, et quæstiones
determinet, et mercedem certam a Collegio ad id propositam
habeat.

10. Pensionarii qui in Sociorum commeatu sunt, proble-
mata, Locos communes, cæterasq. Exercitationes scholasti-
cas, quemadmodum et Socii, observent, sub pænâ menstrui
Commeatûs.

11. Magistri Artium post primum ad minimum Regen-
tiæ suæ anuum domi suæ in Theologiâ disputent et respon-
deant.

12. ^a Magistri collègorum ab omnibus scholasticis exerci-
tationibus tam publicis quam domesticis liberentur, nisi quæ
pro gradu suscipiendo fuerint constitutæ.

13. Singuli suo ordine concionabuntur, respondebunt,
disputabunt, cæterasq. exercitationes ipsi per se suâ in per-
sonâ habebunt, tam domi in suis collegiis, quam publicè in
Academiâ sub ^b pæna decem solidorum, quoties deliquerint,
nisi justa causa inciderit per Magistrum Collegii illius cuius

^a Hic tamèu con-
cionari tenen-
tur certis die-
bus. V. inf.

^b The penalty is
now 40^{s.} V. inf.

Al aut.

sunt, et maiorem partem Sociorum approbanda: cæteras tamen exercitationes, quæ necessario ad gradum requiruntur, ipsi per se præstabunt.

14. Singuli qui in ullo collegio ad studium Theologie Juris et Medicinæ traducti sunt, ordine suo in Theologiâ, Jure et Medicinâ disputare teneantur.

15. In singulis collegiis Lectores, aut alii ad id assignati, Lectiones domesticas examinent, atq. etiam, si commode fieri poterit, publicas, sub pœna 12^d. quoties deliquerint.

16. Tutores Pupillos suos diligenter doceant, convenienter corrigant, nec permittant eos solutè in oppido vagari.

17. Lectiones domesticæ ita instituantur ut nullum impedimentum publicis Professorum lectionibus afferant.

18. Singuli collegiorum Præfecti curabunt, ut in ædibus suis singuli scriptores scholaſtici suâ propriâ et primâ linguâ legantur et cognoscantur.

19. Nemo Scholaris in ullum collegium admittatur, nisi quartum decimum annum adimpleverit, nec quisquam ad ullum collegium assumatur, nisi instructus et præparatus fuerit ad Dialecticam discendam.

20. In singulis collegiis Magister, Decanus, et Lector publicus singulos in collegium admittendos, ante primum illorum ingressum examinent, utrum perfectè teneant Grammaticam necne; ut nulli in hujusmodi loca admittantur, qui non in eâ satis ad Mathematicam et Dialecticam discendam profecerint.

21. Nemo in collegio ullo Grammaticam doceat, nisi in collegio Trinitatis et Regio quoad Choristas.

22. Cæremoniæ saliendi recentes Scholasticos prorsus aboleantur propter multas incommoditates, quæ ex illis consequuntur; modicæ tamen impensæ possunt in conviviis retineri.

23. Nemo in aliquod collegium Theologorum admittatur *Socius*, nisi sit actualis Baccalaureus Artium.

24. Quicunq. alterum parentem Angulum habent, licet in

locis transmarinis, sumantur tanquam nati in illo Comitatu, in quo parens Anglus procreatus fuit. Quod si uterq. parens Anglus extiterit, ex illo comitatu esse censeantur, ex quo patrem illorum fuisse constiterit.

25. Nemo, consensu Magistri et majoris partis Sociorum aut Seniorum ab aliquo Collegio expulsus in aliud Collegium recipiatur sub pæna quadraginta Solidorum infligendâ Tutori a quo fuit receptus, et tantundem Præposito, per quem fuit admissus in illud collegium, aut in eodem manere permisus: mulcta illa æqualiter dividatur inter illud collegium unde fuerat expulsus, et Academiam.

26. Singulorum collegiorum Præsides, qui habiles sunt, et libenter ad concionandum accedunt, sacerdotium ad quadraginta marcarum valorem annum habere possunt, et ad trium annorum spatiū sodalitium suum retinere; modo singulis annis concionem unam in collegio suo, et alteram in Academiâ habeant.

27. In Sociorum et Discipulorum electionibus pauperum filii apti et ingeniosi divitum et potentiorum filiis præferantur.

28. Jentaculorum et prandiorum consueti in disputacionum tempore sumptus per Magistrum et majorem partem Sociorum leventur et minuantur.

29. In omnibus et singulis electionibus tam Sociorum, Discipulorum, Scholarium, Officiorum, Lectorum, reliquorumq. membrorum cuiusq. Collegi, quam in omnibus et singulis locationibus et concessionibus quibuscunq. necessario requirendus est Magistri sive Præpositi illius collegi assensus et consensus. Et quod bene licebit Magistris sive Præpositis collegiorum in suis collegiis, si quando illis necessarium videbitur, omnes illas pœnas exercere in delinquentes, quas aliquis Officiorum illius collegii per statuta ejusdem collegii imponere possit.

30. Si quisquam collegio vel domo sua absfuerit, ex qua cunq. causa non licebit illi vocem et suffragium suum aliis committere in ullo genere electionis.

No one can
change his Coll.
now without
Leave. V. inf.

31. Lectores et cæteri ejusdem Collegii, si simul rure tempore pestis sunt, ut lectiones cæterasq. exercitationes consuetas quemadmodum si domi essent, habeant, omnes commoditates et fructus percipiant, quos haberent, si domi essent.

32. Nullus Seneschallus, Bursarius, aut hujusmodi aliquis administer, plus pecuniae præ manibus habeat, quam ad unius mensis provisionem satè pro illo collegio sit.

33. Socios collegiorum maritos esse non permittimus, sed statim postquam quis uxorem duxerit Socius collegii designat esse: ordinem tamen gradus sui in Academiâ tenere potest.

34. Januæ et portæ per singula collegia unâ eâdemq. horâ vesperis observentur; hieme viz. horâ octavâ; æstate, horâ nonâ: hiemem hoc loco interpretamur a festo sancti Michaelis, ad festum Annunciationis beatæ Mariæ; æstatem, quod reliquum est anni: claves vero portarum singulis noctibus ad cubiculum Magistri uniuscujusq. collegii, aut, eo absente, Præsidis deferantur.

35. Omnes concessiones quæ communi sigillo sive Academiæ sive ullius collegii obsignantur in Registro prius scribantur, et ante obsignationem cum Registro conferantur.

36. Nullus in festo Nativitatis sit Dominus ludorum quocunq. nomine censeatur, absq. consensu Cancellarii et Præfectorum collegiorum.

37. Convivia antiquis exequiis adjuncta abrogata sunt; et in illorum loco moderatæ epulæ commendationum diebus Magistri et Sociorum judicio instruantur; omnisq. Eleemosyna, quæ antehac distribui post exequias solebat, hoc tempore pauperibus dividatur. Et cætera convivia quorum cunq. temporum judicio Magistrorum et Sociorum legitimam moderationem accipient, reservato tamen Bedellis jure suo veteri pecuniario.

38. In singulis collegiis primo die post cujusq. Terminis finem, totum collegium in sacellum conveniat, et post quadragessimum quartum caput Ecclesiastici lectum, aliquis a

Magistro assignatus concionabitur; ubi Fundatoris, cæterorumq. insignium virorum, quorum in eo collegio Benefacta latè patent, præclara commendatio erit; et quantâ gloriâ Deus afficiendus est demonstrabitur, qui per eos Benefactores ingentia in illos beneficia contulerit; et societatem illam hortabitur, ut eisdem ad Dei gloriam, et eruditionis amplificationem, et honestum Fundatoris institutum utantur: et Deum precentur, ut ita viventium corda suæ benignitatis gratia affundat, ut ad Dei gloriam illustrandam, et Christianam religionem adaugendam opes et facultates suas similitè conferant. Post concionem peroratam cantabunt anglice Te Deum: Laudate Dominum in cœlis: Cantate: Laudate Dominum in sanctis, ad finem Psalmorum; Gloria patri, et post finem Psalmorum, dicent;

The Memory of the righteous shall remain for evermore.

Resp. And shall not be afraid of any evill report.

The Lord be with you.

Resp. And with thy Spirit.

Let us pray.

O Lord, we glorify thee in these thy servants our Benefactors, departed out of this present Life; beseeching thee that as they for their time bestowed charitably for our comfort the temporall things which thou didst give them, so we for our time may fruitfully use the same, to the setting forth of thy holy word, thy Laud, & praise, & finally, that both they & we may reign with thee in glory, thrô Jesus Christ our Lord. Amen.

Concionatori huic certa merces per Magistrum et Socios collegii constituatur.

39. In omnibus his Statutis ubi nulla expressa pæna violatoribus imponitur, liceat Cancellario cum consensu Præfectorum collegiorum certam pænam assignare, atq. imponere eorum violatoribus; atq. ita legittima sit, ac si in predictis Statutis præposita fuisset. In singulis autem collegiis, ubi nulla expressa pæna leviùs delinquentibus imponitur, ibi

judicio Magistri illius collegii seu vices ejus gerentis puniatur.

40. Mulctæ in his Statutis præscriptæ, nisi alitèr üsdem statutis cautum sit, in tres partes dividantur; quarum una in Academîæ, altera in Procuratorum, tertia in Præconum usus convertatur.

41. Mulctæ imponendæ modus hic sit. Magister Collegii, aut eo absente, Præses, aut qui primarius illis absentibus est, de Præconum querelâ præcipiet Thesaurariis Collegii, aut illis quibus illius Collegii commissa est pecunia, ut hanc mulctam alicui ex Præconibus sine ulla dilatione solvant; idq. virtute jurisjurandi, quod Academiæ et collegio suo obtulerunt: eandemq. pecuniam sibi iterum ex stipendio eo Thesaurarius aut ejus administer persolvat, quod reus a collegio recipere debeat.

42. Statuta omnia, Compositiones, et consuetudines, quæ Scripturis sacris, institutis nostris, aut istis statutis adversari videbuntur, abrogata et recissa sunto, reliquis suo robore permansuris.

43. Si quid dubii vel ambiguï in istis statutis et sanctionibus nostris oriatur, id per Cancellarium et majorem partem Præfectorum collegiorum explicabitur et determinabitur, quorum determinationi et interpretationi reliquos omnes cedere volumus.

44. Statutorum horum exempla quatuor sint; unum in communi ærario repositum, alterum apud Cancellarium, duo Procuratores habeant.

FINIS.

**Cancellario cum consensu totius Academie licebit nova
Statuta ad eruditionis amplificationem et decori atq. honesti
conservationem, inter Scholasticos habendam, sancire;
sic ut ea his decretis nostris nihil detrahant aut officiant.**

Vid. Stat. Eliz. Cap. 42 in fine.



SENATUSCONSULTA SIVE GRATIÆ.

AN.

1522. 1. QUONIAM plerumq. periclitata est respublica nostra defectu literarum, quæ ad magnatum implorandam contra adversarios nostros opem, veluti præsidia tutissima ipsis opponi debuissent; detrectantibus labore singulis, partim præmii exiguitate, partim veriti autoritatem potentiamq. eorum, contra quos scribere debuissent: visum nobis tandem est, laboranti hac in parte Parenti Academiæ, veluti piis filiis succurrendum. Et ne adversarii cum ipsis expositulare possint, qui (quod debent) gymnasii causam pro viribus tantur; statuimus, ordinamus, et volumus, ut unus aliquis Orator publicus eligatur, cujus humeris quæ incumbunt onera, his capitulis colligenda duximus. Quorum singula ne detrectet, sed fideliter exequatur, juramento illum astringi sub ipsâ mox admissione volumus, et statuimus.

*De Oratore, et
ejus officio.*

Primò, ante omnia jurabit Orator, se contra quoscunq. (vel amicos etiam suos) et pro quibuscunq. (inimicis etiam suis) si Cancellario et Procuratoribus videatur, Academice nomine literas fideliter exaraturum; et, si quid in literis publicè

A.N.

lectis displiceat, commutaturum, pro arbitrio eorum, quibus committet Autoritatem expendendi quæ scripta sunt Academia; deinde correctas in mundo descripturum, et ad sigillum aptas redditurum.

Secundò. Et quoniam pleraq. incidunt in negotiis publicis, quæ coram Vicecancellario tractantur, quæ nonnunquam opem aut Regis aut magnatum desiderant; jurabit idem, citra ullam Excusationem, si vocetur, diligentè et fideliter Vicecancellario et Procuratoribus affuturum; aut alterum, si ipse adesse nequeat, substitutum.

Tertiò. Item, quoniam civile magis munus est quam theologicum, Principes et magnates in os laudare, et eorum adventum oratione demonstrativa excipere; statuimus, ut Orator excipiat Principes et magnates omnes oratione doctâ et elaboratâ; et ne cum hac re, nisi annuentibus singulis, et ipso etiam Oratore consentiente, dispensari possit, ordinamus, et statuimus.

Quartò. Si aut propriorum negotiorum, aut amicorum invisendorum causâ plusquam biduum aut triduum abesse illi opus fuerit, unum aliquem idoneum in vicem suam coram Procancellario et Procuratoribus substituet; qui ejus officium juratius suppleat, citra Academiæ aut sumptus aut jacturam. Præterea jurabit, si visum fuerit Academiæ, non recusaturum ad quoscunq. Principes et magnates ire; et apud ipsos contra quoscunq. causas Academiæ fideliter agere; sic ut ipsi duorum equorum, ministriq. et suos sumptus Academia præstet.

Quintò, et postremò. Jurabit ad quemcunq. statum pervenerit, modis omnibus, pro viribus, Academiæ causas contra quoslibet adjuturum et protecturum. Et si vel amicum vel inimicum,

De Absentia
Oratoris.
V. Stat. Eliz.
Cap. 44.

A.N.

vel alium quemlibet intelligat aliquid contra Academiam moliri, id mox Academias Procancellario et Procuratoribus, quamprimum commode fieri poterit, insinuabit, et consilio juvabit, quo ipsi videtur, siquid immineat periculi, illud posse Academiam declinare. Item statuimus, si Magister Artium sit, ut habitum habeat non ex alia qualibet re, quam ex serico et undulata.

Quod si in his omnibus, aut horum aliquo quo- Pænae Oratoris.
quo modo peccasse legittimè et probabilitè con-
vincatur; volumus, ut per Procancellarium, et
Majorem partem Doctorum, ut illis videbitur jus-
tum, pueriatur. Quod si secundo peccaverit, offi-
cio suspendatur, donec patribus Academias visus
fuerit dignam criminis deditio pænam: quod si
tertio, prorsus et citra ullam restitutionem se-
moveatur.

Jam quia tot laboribus obnoxium, iniustum esset Privilegia Or.
atoris.
momentaneo afficere præmio; statuimus et ordi-
namus, ut quilibet post Doctorem Crocum futurus
Orator, tantum per septennium officio gaudeat,
idq. si hic persistiterit. Deinde, quia publicæ
libertatis velut assertor, et propugnator literis suis
vir talis futurus est; et talem æquum est hono-
rifice haberi: Statuimus, et volumus, ut Orator,
si M'. Artium sit, habeat locum et honorem om-
nino summos, et proximos post Legum et Medi-
cinæ Doctores; ita tamen, ut in Processionibus
solus incedat, et in publicis Actibus sedeat, hono-
ris gratia, separatus ab aliis.

Item statuimus, quod omnibus publicis nego-
tiis et consiliis, etiam non vocatus, pro arbitrio
suo interesse possit; et suam de rebus omnibus,
quemadmodum Doctores, dicere sententiam.

Tertio, quoniam multorum indignationi Aca-

▲ N.

dēmīe nomine videtur expouendus, et pluribus negotiis nonnunquam involvendus, quam ut citra publicum incommodum Academīe negotiis semper omnibus interesse possit; eundem ab omnibus Missis, Exequiis, et Congregationibus (etiam ex statuto) fore liberum, et ad placitum Regentem et non-Regentem esse statuimus.

Postremo, ne jacturam faciat absens in suis negotiis, cum cōstrictus sit aliquem unum coram Procancellario et Procuratoribus (quod sine sumptu non potest) in suum sufficere locum: Statuimus, ut annis singulis ipsi 40 solidi numerentur ex aērario publico, per Procuratores eidem petenti sine ullā dilatione dandi; viginti scilicet in die vesperiarum; et viginti in die Nativitatis Domini. **P**roviso semp̄er, ut uni Domino Croco perpetuum hoc Officium sit, quamdiū placuerit hīc sedem habere permanentem: quod si alio se contulerit, illuc permansurus, quia primus invexit literas ad nos Græcas, et quia Regi charus est, cuius nomine a p̄cipiuis Magnatibus arctè nobis est commendatus, volumus ut ubiq. et semper omnibus suis privilegiis gaudeat; et, si redierit, locum cum Oratore, sed superiorem, servet et teneat. Ita tamen, ut Orator, qui pro tempore fuerit, officium servet suum, et suis quoq. privilegiis gaudeat, perinde ac Crocus non interesset.

Eligentur autem singuli post Dominum Crocum futuri Oratores in hunc modum. Infra triduum, si fieri potest, postquam vacaverit officium, convocetur plena Regentium et non-Regentium congregatio, in quā per majorem partem præsentium apertis suffragiis, ad modum electionis Procuratorum, eligatur unus ad eloquentiam natus, qui græcè pariter ac latinè sciat, ad id muneras

A.N.

obeundum. Provisò sempèr, quòd sit omnibus libera facultas, et libertas summa eligendi, quem velint; neq. arctentur per determinationes istas communes Collegiorum.

1528. 2. Item conceditur M^o. Richardo Doctori Smith, M^o. Latenam et Langford, ut habeant autoritatem assignandi et augendi stipendium Oratoris ex Ærario communi pro tempore M^r. Daye: et concesserunt illi 4th annuatim; et pro laboribus, quos superioribus diebus sustinuit, 1th. 6^d. 8^d.

Stipendium
Oratoris auc-
tum. V. etiam
inf.

Ex Lib. Gratiar.

1541. 3. Majores nostri, prudentissimi viri, nihil habuerunt prius et antiquius, quam ut nobis et posteritati hanc Academiam omnium virtutum et bonarum artium generibus quàm maximè florentem relinquerent: hùc omnes suos nervos, hùc omnes semper conatus destinabant; optimis statutis diligentèr providentes, ne quid esset, quod ulla ex parte Reipublicæ decus et honorem minueret, aut labefactaret. Horum nos pio studio, et de studiosis bene merendi promptitudine excitati—— volumus et statuimus, ut omnes primi et secundi anni Regentes in Artibus per se metipsos, in propriis eorum Personis disputare teneantur, nisi petitâ et obtentâ a Vicecancellario et altero Procuratorum veniam, per alium quempiam suis vicibus disputandi.

De Disputatio-
nibus A. M.

Statuimus etiam, ut nemo Regens alicujus Collegii, vel Aulæ, vel Hospitiï per alios quam per sui proprii collegii Regentes unquam disputet, nisi consulto priùs et assentiente suæ Domus Præposito, vel ejus vices gerente.

Ad hæc statuimus, ut nullus Regentum dispu-

A.N.

taturus, prodeat ex Tabernis, aut domibus laicis; sed ex aliquo collegio, Aulâ, vel literario Hospitio (ut loquimur); et domestico suo contubernio juxta laudabilem Academias consuetudinem pulchrè constipatus.

Numerum autem disputationum sic decernimus: quod nullus Regentium sæpius quam bis in uno et eodem Termino, aut suâ, aut alterius vice publicis sese exerceat disputationibus: neq. id quidem cuiquam licere volumus, nisi ut prædictum est, alicujus collegii cætu ex more honestè concomitato.

Ad hoc Statutum perpetuo in posterum strictè observandum, unusquisq. Regentium sub pæna juramenti sui Academiae præstiti tenebitur.

Mem. Quod Jun. 10^o. 1573 hoc præsens statutum de verbo in verbum coram Regentibus et non-Regentibus palam et publicè lectum fuit in domo Regentium, et imminutè proposita, lecta, et promulgata fuit hæc Rogatio, viz.

Pæna nova
A. M. non debitè disputantum.

A real Caution
of 40^o. is now
paid to the Se-
nior Proctor on
this Account.
V. inf.

1573.

Quum pæna statuti modo lecti valde gravis sit et plena periculi, utpote perjurii; Placeat vobis, ut eadem pæna convertatur in mulctam 40 solidorum; et ut in posterum cooptandi in ordinem Magistrorum in Artibus sub Stipulatione 40 solidorum cum idoneo fidejussore obligentur Dno Procancellario ante admissionem ad diligentem observantium dicti statuti: et ut hæc concessio vestra pro statuto habeatur; et dicto statuto ascribatur: et dictum statutum quotannis legatur in admissione Inceptorum in Artibus.

A.N.

1573. 4. Conceditur Jun. 10^o. 1573^o, ut vestrâ autoritate statuatur, ne quis Prælector annuus in posterum sua vice alium Prælectorem ultra triduum substituat; nisi majoris partis totius Senatus Regentum et non-Regentum autoritate interveniente, sub pæna 40 solidorum inter Academiam, Procuratores, et Bedellos distribuendorum. De Prælectoribus substituendis.

1573. 5. Conceditur Jun. 19^o. 1573^o, ut omnes Pensionarii et extranei, quibus Gratia aliqua ad quemcunq. Gradum suscipiendum in aliquo Collegio concessa sit, in eodem Collegio convivari teneantur, ut pares sumptus cum Sociis, et Pensionariis ejusdem Collegii in simili causâ ferant, pro ratione Gradus, sub pæna sex librarum eidem Collegio applicandarum; et ut hæc concessio pro statuto habeatur. De extraneis, Gradus suscipitatis.

1573. 6. Conceditur Jun. 23^o. 1573, ut omnis deinceps super Electionem Scrutatorum dissensionis materia omnino tollatur; ut Collegia bina, annis singulis, duos non-Regentes nominent Scrutatores futuri anni, eo ordine qui in nominandis Procuratoribus præscriptus est, incipiendo in sequenti anno ab iis Collegiis, quæ in primo loco constituuntur; et eo ordine et cursu progrediendo et recurrente: Ac cætera omnia præscripta in Statutis de electione Procuratorum et Taxatorum diligentè et perpetuo (exceptâ tantum forma Scrutinii dictorum Statutorum) inviolabiliter observentur. Et, ut hæc vestra concessio pro Statuto habeatur; et infra mensem proximè sequentem describatur in libris Procuratorum. De Electione Scrutatorum.

A.N.

Jureat Procuratores et Scrutatores deputati.

1575. 7.

Conceditur Maii 6^o. 1575, cum Procuratores et Scrutatores sœpe ob negotia sua privata abesse coguntur a congregationibus, et aliis publicis munib[us] Academie; ut eorum substituti et vicarii jurando astringantur, ad benè et fideliter peragendum eorum officium, antequam aliquid in præmissis pertractent.

Nov. 3^o.

Ne Scholares
jusjurandum
fidelitatis pres-
tent Villæ Can-
tab.

1575. 8.

Cum jusjurandum a Scholaribus Cancellario, Magistris, et Scholaribus Universitatis Cantabrigie præstitum, et jusjurandum ab oppidanis præstitum Majori Villæ Cantabrigie, Ballivis, et Burgensibus, diversa, contraria, et nullo modo convenientia esse videantur; et tamen nonnulli, haud formidantes perjurii periculum, non ita pridèm utrisq. fidem suam astrinxerint, in magnum animarum suarum periculum, et multorum offensionem: Placet vobis, ut singuli, qui aut nunc sunt, aut qui in posterum futuri sunt ex gremio Universitatis, qui posthac accepti beneficij et educationis immemores, se per sacramentum suum Communitati villæ Cantabrigie (quasi in aliam coloniam traducti) consociabunt, tanquam degeneres filii ab omni societate, privilegio, et Gradibus Scholarium ipso facto priventur. Et quod Vice-Cancellarius pro tempore existens, postquam sibi innotuerit, aliquem deinceps præstissetse hujusmodi juramentum fidelitatis villæ Cantabrigie prædictæ, in proximâ Congregatione Regentium et non-Regentium publicè pronunciabit privationem prædictam Regentibus et non-Regentibus tunc præsentibus. Et si contingat aliquem Oppidanorum, libertates, privilegia, aut consuetudines Universitatis impugnare, aut gravem ingratitudinem adversus Academiam, Scholares, aut

Nullum cum
Oppidanis in-
gratis commer-
cium.

A.N.

eorum famulos exhibere, et super hoc judicio Pro-cancellarii, et majoris partis Præpositorum Colle-giorum, et aliorum Doctorum tunc in Universi-tate præsentium convictus fuerit; Placet vobis, V. inf. ut cum hujusmodi ingrato vel ingratis nullus Scholaris, aut sub privilegio Scholarium hic de-gens contrahat, emat, aut vendat sub pæna cen-tum solidorum, communi cistæ Academæ solven-dorum totiès, quotiès in contrarium huic Decreto aliquid attentabit. Et ut hæc concessio vestra pro Statuto habeatur et infra decem dies prox-imè sequentes in Procuratorum libris describatur.

Jan. 7,

1577. 9. Cum de laudabili et multis jam retroactis annis receptâ consuetudine, singuli in ordinem Docto-rum cooptati festis quibusdam diebus, et publicis præscriptis conventibus in istâ Charta nominatis in publicum prodire non consueverint, nisi induti togis murice tinctis; Placet vobis, ut singuli hu-jusmodi prædictam consuetudinem dignam ma-jestate Academæ inviolabilitè observare tenean-tur, sub pænâ et mulctâ decem solidorum legalis monetæ Angliæ publico Academæ serario persol-vendorum, quotiès eandem violaverint. Quam summam nisi Procancellarius fideliter exigat, ipse eandem de proprio super computationem genera-lem communis cistæ persolvat. Et, ut hæc ves-tra concessio pro Statuto habeatur, hujusmodi festi dies sunt: festum natalis Domini, Paschatis, Ascensionis, Pentecostes, Trinitatis, Michaelis, omnium Sanctorum: Magnis Comitiis: feria divi Johannis, et nundinarum Sturbrigiensium: dies initii regni Dominæ Elizabethæ reginæ.

Mar. 23°.

1578. 10. Quoniam sacris concionibus apud populum,

De ihabitibus
Doctorum in
festis diebus.Pro concioni-
bus frequen-
tibus in templo
Acad. sub per-
ma 100.

A.N.

habendis, non satis videtur per Statuta nostra prospectum esse: Placet vobis, ut deinceps singulis et dominicis et festis diebus, (quibus ex Statuto aliquo, aut receptâ consuetudine concio publica intra Academiam non habetur) singuli cujusq. Collegii, tam Socii, quam Pensionarii, quicunq. Ministri aut Diaconi fuerint, et tertium annum post Magisterii Gradum in Artibus susceptum omnino compleverint; ad concionandum in Academiae templo tam ante, quam post meridiem pro ratione senioritatis, quam in Academiâ obtinent, ordine suo teneantur: vestrumq. hoc Decretum super ea re pro legitimo Statuto habeatur: Cujus exequendi initium fiat die dominico proximum diem dominicum immediatè sequenti, exordio ducto ab eo concionatore, qui cæteros senioritate antecedit; quem perpetuis deinde futuris temporibus, reliqui suis vicibus subsequantur sub pœna decem solidorum cincunq. ob neglectam vicem infligendâ. Provisò tamèn, ut quoties quisq. vel ad Procancellarii assignationem, vel ob Gradum suscipiendam concionabitur, idq. decem autè diebus, is, qui alioquin esset concionaturus, denunciare curabit, cæptus cursus interrumpi queat, sed itâ ut idem cursus eodem postea, quo priùs, modo continuetur atq. observetur.

Jun. 18°.

Ne quis Gra-
siat, quam pe-
gnerit, rejiciat.
y. inf.

1578. 11. Cum sepenumero petitiones, quas Gratias nuncupamus, pro Gradibus scholasticis, et aliis Academiae beneficiis consequendis in Senatu proponantur, quas earundem candidati postea non satis grato animo interpretantes, vel non agnoscent, vel omnino rejiciunt; unde apud vulgus Academia male audit, et non parvâ ignominiae labo aspergitur; Placet vobis, ut qui hujusmodi

A.N.

deinceps petitionem Capiti Senatus proponendam curaverit, aut subscripserit, sub vinculo juramenti prius Universitati præstiti, publico ærario viginti solidos persolvere teneatur ad manus Dominorum Procuratorum infra octo dies postquam constiterit, candidatum aut nolle, aut per temporis decursum non posse hujusmodi Gratius gaudere. Et, ut hæc concessio pro Statuto habeatur, et observetur.

Dec. 16,

1580. 12. Cum his quatuor aut quinq. annis proximè elapsis, multi Artium Magistri parvi pendentes jusjurandum suum Academiæ præstitum, aut fidejussorum suorum securitatem, disputationes suas philosophicas intermisserint, in magnum Academiæ dedecus, et detrimentum Baccalaureorum, qui audirent aut responderent: Placet vobis, ut singuli non Socii alicujus Collegii, deinceps in ordinem illum cooptandi, ante eorum admissionem realem cautionem 40°. deponant in manibus senioris Procuratoris, de cursu suo in disputando benè et fideliter observando; quæ summa illis integra restituatur, postquam compleverint præfatas disputationes: et, ut hæc concessio vestra pro Statuto perpetuo habeatur, et in libris Procuratorum conscribatur infra decem dies proximè sequentes.

De Cautione
A. M. non Sociorum.

Ex Lib. Gratiar.

Jun. 30,

1581. 13. Conceditur, ut quicunq. ad Gradum aliquem in posterum provectus fuerit, ad augendum Bibliothecarii stipendium modo sequenti conferat, viz.

De Augendo
Bibliothecarii
stipendio.
V. Decr. Prof.
inf.

	s.	d.
Bac. in Artibus	-	0 4
Incept. in Artibus	-	0 8

A.N.

	s.	d.
Bac. in Jure	0	8
Bac. Theologiæ	1	0
Doctor cujuscunq. Facultatis	1	4

Atq. ut hoc Decretum pro Statuto deinceps habeatur.

Ex Lib. Gratiar.

Mai. 9,

De Gratiis sup-
posititiis.
*V. Sup.

1584. 14. Cum per *Statuta vestra prudenter cautum sit, singulos in viginti solidis mulctandos, qui alicui Gratiae subscipseriut, quam Candidati postea grato animo non acceptaverunt: et quidam huic legi in Expilationem ærarii publici, et Academiæ manifestum scandalum, per petitiones suppositicias fraudem facere moliuntur: Placet vobis, ut dictis Statutis in suo robore perpetuo manentibus, hujusmodi clandestinæ petitiones, vestro suffragio et Authoritate ratæ, pro nullis habeantur, et hujusmodi subscriptores ad debitæ mulctæ solutionem astringantur.

Ex Lib. Gratiar.

Jun. 2,

De augendo
Oratoris sti-
pendio.

1587. 15. Cum Oratoris vestri munus, multis expositum laboribus, parvo admodum stipendio compensetur, parum digno tam honestæ existimationis officio; Placet vobis, ut in annum hujus stipendi incrementum, singuli deinceps admittendi ad respondendum Quæstioni sex denarios; et singuli admittendi ad incipiendum in Artibus duodecim denarios Oratori solvant. Et, ut hæc concessio vestra libris Procuratorum infra decem dies inserta pro Statuto in perpetuum habeatur.

Jun. 12,

1587. 16. Cum superioribus hisce diebus quidam Oppidi Dani propter demerita sua, et intolerabilem ad-

Oppidi Dani sus-
pensi in grati-
am non, nisi a
Senatu, recipi-
eodi.

A.N.

versus Academiam et Academicos ingratitudinem, a contubernio Scholarium sunt suspensi: et Scholares, et eorum famuli cum eisdem quovis modo contrahere, aut negotiari, strictè, et sub gravi mulctâ sunt interdicti: Placet vobis, ut hujusmodi antedicta decreta, et in posterum decernenda, vestrâ autoritate rata, et firma habeantur; et in posterum minime rescindantur sine consensu et assensu totius Senatus: Et, quod hæc rogatio pro Statuto habeatur, et in libros Procuratorum describatur infra decem dies proximè insequentes. Et insuper, ut singuli Academici cautiores sint, et mulctam præscriptam devitent, ut hæc rogatio singulis futuri temporis Terminis palam et publicè per alterum Procuratorum prælegetur in plenâ et frequenti Senatu, una cum nominibus omnium et singulorum, sic ut prædictetur, suspensorum.

Ex Lib. Gratiar.

Feb. 13°.

1593. 17. Cum Academæ Statuto de causis forensibus cautum sit, ut omnes lites, si fieri possit, intra triduum terminentur; nec causæ appellationum ultra decem dies, si fieri itidem possit, post datos judices protrahantur; usu autem jam compertum sit, quorundam malitiâ factum esse, ut multæ appellationes, non tam bonâ fide quam vexandorum adversariorum gratiâ ab hominibus litigiosis interpositæ fuerint: idcirco, ut huic in commodo in posterum omnino subveniatur; Placet vobis, ut unanimi Procancellarii, Doctorum, Magistrorum Regentium, et non-Regentium autoritate deeretum, et statutum sit; ut in omni deinceps appellatione qualibet pars appellans, una cum Advocato, Patrono, et Procura-

De Appellatio-
nibus.

AN.

tore suo, statim post appellationem sive a Commissario, sive a Procancellario factam, præstet juramentum corporale coram judice a quo, quod in conscientiâ suâ justam habent causam appellandi. Præterea etiam, ut, appellatione a Pro cancellario ad Academiam factâ, utraq. pars, tam appellans, quam appellata, et utriusq. etiam partis Advocatus, Patronus, et Procurator similitè juramentum præstent corporale, quod neq. directè, neq. indirectè, neq. per se, neq. per quempiam alium, Septemviros, apud quos potestas est. delegatos judices nominandi, sollicitent ad assignandum aliquem Delegatum, sed ipsorum arbitrio talem nominationem liberè peruntent. Et, ut quæcunq. appellationes deinceps in quibuscunq. forensibus controversiis, sive ab interlocutoriâ sententiâ sive definitivâ interponentur, eas intra 40 dies proximè post inhibitio nem factam numerandos, quocunq. impedimento non obstante, delegati judices virtute juramenti sui Academiæ præstiti determinare teneantur; nisi forte per appellantem steterit hujusmodi dilatio; quo in casu irrita sit appellatio, et pro desertâ habeatur. Proviso semper, ut quotiès propter pestem in Academiâ aut urbe Cantebrigiae grassantem, dies juridici a Domino judice juxta morem Academiæ non teneantur; quamdiù ejusmodi impedimentum duraverit, tamdiù hoc Statutum locum non habeat. Præterea, ut appellationes quascunq. jam pendentes coram Delegatis quibuscunq. Delegati designati intra centum dies immediatè debinc sequentes, quocunq. impedimento nou obstante, virtute juramenti sui Academiæ præstiti terminare teneantur: nisi forte, ut supra, per partem

A. N.

appellantem steterit hujusmodi dilatio; quo in casu irrita similiter sit appellatio, et deserta habeatur. Et, ut hoc Decretum vestrum pro Statuto habeatur; et in libris Procuratorum infra decem dies immediate sequentes inscribatur.

Mai. 3.

1603. 18. Forasmuch as it hath pleased Almighty God to call to his mercy the high & mighty Princess Queen Elizabeth, our late sovereign, from whom the body of this University hath received innumerable & unspeakable benefits, which neither can nor ought to be forgotten; May it please you, that yearly for ever hereafter the * Preacher of the University, or his Assignee in his sermon ad Clerum, whereunto he is tyed by the Statutes of this University, may give God thanks, as well for her faithfull departure out of this life, as also for her inestimable favours bestowed upon us. Wherein we shall not only perform our dutys; but also give occasion to her successors, for our mindfulness of her Majesty, to esteem the better of us.

Commemoration of Queen Elizab.

* Margaret Preacher.

Jun. 9^o.

1603. 19. Placeat vobis, ut quicunq. doctrinam, vel disciplinam Ecclesiae Anglicanae, vel ejus partem aliquam, legibus publicis stabilitam, scriptis, vel dictis vel quocunq. modo in Academia Cantabrigiæ oppugnaverit, ab omni Gradu suscipiendo excludatur, et a suscepto suspendatur ipso facto.

De Oppugnatoribus Eccles. Anglicanæ. V. Sup.

Oct. 10.

1607. 20. Cum Academiæ * Statuto cautum sit, ut omnes lites et causæ, quæ ad Universitatis notiōnem pertinent, et Procancellarii et Commissurii judicio subjiciantur, intra triduum si fieri potest, finem accipient; Placet vobis, ut si quispiam

* Sup. Limitatio de Fœdis Advocatorum.

A.N.

Advocatus, vel Procurator Fædum, vel mercedem, vel pecuniam ullam, aut aliquod, quod pecunia estimari potest, post tertium diem juridicum a quopiam acceperit; ipso facto officio suo, ministerio, et loco privetur, et ut sempèr deinceps inhabilis sit ad causas tractandas coram Procancellario.

Jul. 3^{mo}.

De Disputationibus in Magnis Comitiis.

1608. 21. Disputatio Theologica tam in Vesperiis quam ipso Comitorum die hora octava inchoetur; nec omnino ultra duodecimam protrahatur. huic ne sint impedimento lectiones in vesperiis ordinariæ horâ septimâ incipient. Philosophica disputatio in Vesperiis ab horâ primâ erit usq. ad tertiam; in die a disputatione Theologicâ finitâ ad secundam; nec omnino ultra tertiam protrahatur. Horarum quæ supersunt alteram in jure civili, alteram in Medicinâ disputationibus assignamus. Ipeam deniq. Comitorum calcem musicâ disputatione ab hujusce Facultatis Inceptore præstanda aut procuranda una cum hymno claudi volumus. Baccalaureus vero in musicâ, si non in Comitiis saltem in Scholis publicis pro Gradu respondebit, vel quæstionem in ea scientia legendo latino sermone determinabit. Quod si in jure civili vel Medicinâ nulla sit futura in Comitiis disputatio, reliqua (verùm disserendo potius quam dicendo) poterunt aliquanto produci. In disputatione Theologicâ utrâq. Procancellarius erit Moderator ac Determinator, (si Theologus fuerit atq. ipsi placuerit) sìa minùs, alijs in Theologia Doctor a Procancellario assignandus juxta Statuta regia. Reliquarum Facultatum disputationes Procuratorum operâ regantur; ita tamèn ut singulis disputationibus eos,

**De bac auth-
ritate Procura-
torum. V. inf.**

A.N.

qui in eâ Facultate professionem fecerint, (si commodè haberi possint) præficiant. Moderatoris in quavis Facultate partes erunt, inter disputandum expatiantes revocare, tempori prudenter juxta prescriptos modo limites moderari: si argumento cuiquam Respondens non plenè satisfecerit, tunc, et non antea, nodum, si voluerit, solvere: melioris notæ opponentibus uberiorem disserendi copiam, modo non prodigè, concedere. Ejus oratio interlocutoria nec prolixa sit nec nimium crebra; verum rationibus propositis in formam redigendis, urgendis, demumq. repellendis accommodata: eidem si quis disputantium secundò monitus parere recusaverit, immodestiae et inobedientiae notam ipso facto incurrat. Nulla in quacunq. Facultate Moderatoris, Patris, Procuratoris, aut Respondentis determinatio, questionis explicatio, seu quæcunq. alia continuata dictio dimidium horæ ad summum superet; in brevius autem spatum compingi in Philosophiâ Respondentium Moderantium, Prævaricantium orationes, nec non Patris Theologici, (si qua ante evocatum respondentem uti velit) præfatiunculam, sequum judicamus: a quo, ut a reliquarum Facultatum Patribus, ne temporis obsint, filios Doctoratus candidatos solitis ceremoniis simul semelq. ornandos censemus. Oppositio omnis prorsus syllogistica esto, semota omni et excursione, et prolixiore, præser-tim quæ ad causam non attineat, præfatione: quod si quis subitanea pollens dicendi facultate, ad Respondentis explicationem refutandam se accinxerit, veniam a moderatore concessâ, semel tantum brevitèrq. agat: quam etiam Respondenti suam ab adversario læsam defensionem

A.N.

resarciendi copiam, non denegamus. Penes candidatos etiam citra quæstiones propositas paucula præfandi arbitrium esto. Respondens singulos Opponentium Syllogismos distinctè repeat; ad aliquam propositionem aut terminum directè brevitèq. respondeat; a fusiore dictione inter disputandum abstineat; nisi cum obscurioris alicujus responsi sensum, citra disputationis impedimentum, explicaturus sit. Scurrilis omnis dicacitas, ineptæ, impuræ, inurbanæ facetiæ, rixæ, convitia, theatralem cachinnum moventia, ab auribus orisq. Academicorum longe exulent: sales tamèn venustos, ac literatâ suavitate conditos inter philosophandum, præsertim in prævaricatore, approbandos et laudandos etiam censemus. Loca comitiorum editissima, quæ in ambitu sunt, Doctores et melioris notæ peregrini occupent, cautione habitâ, ne Doctoribus opponentibus molestiæ sint aut impedimento: Interniores quæ Gradibus distinguantur sedes, Magistri Artium in habitu suo ornati vendicent: Baccalaurei Artium in infimâ areæ parte consistant. Quod si quis, infra Magisterium constitutus, locum Gradu suo superiorem arripuerit, nisi Artium Magistro jubente, statim cesserit, solitæ censuræ subjiciatur.

Premissæ Comitiorum leges quotannis in domo Regentium per Procuratorum alterum circiter undecimam diem Junii publicè perlegantur.

Quum in disputationibus comitiorib[us] (ex quarum celebritate de Academiæ honore agitur) de singulis circumstantiis ad decorum ordinemq. spectantibus per Statuta regia satis non sit provisum; unde temporum progressu varios defectus, et excessus etiam advenis ingratos Academia

A.N.

experta est: Placet vobis, ut harum disputatio-
nūm forma quædam concepta, scriptis mandata,
modo lecta, Statutis regiis non adversa, vestris
judiciis approbetur, pro Statuto habeatur, et in
libris Procuratorum describatur.

Oct. 24,

1609. 22. Cum Statutis Academiæ nostræ cautum sit, ut omnes causæ in aliqua Curia Universitatis motæ, omni juris sollennitate semota, et solâ facti veritate inspectâ, debitè terminentur infra triduum, si commodè fieri possit: quæ quiderp Statuta (inter alia) quilibet Advocatus, Procurator, et alii omnes sese ad postulandum gerentes in Curiis prædictis virtute juramenti strictè tenentur observare: Quibus tamen non obstantibus jampriedem omnes pæne lites coram Procancellario et Commissario Universitatis nostræ inceptæ potius in triennium quam triduum prorogantur, in manifestam privilegiorum et Statutorum nostrorum violationem, honoris et jurisdictionis Academiæ scandalum et opprobrium, et litigantium vexationem et dispendium: Placet itaq. vobis, ut subsequens ordo in omnibus et singulis causis posthæc in curiis Universitatis motis vel movendis strictè observetur, viz.

Imprimis, arctetur reus, si possit apprehendi; si non possit, fiat citatio peremptoria viis et modis: reo capto seu bonis suis, ex primo Decreto salvâ custodiâ custodiatur, donec fidejubeat coram Academiæ Registrario, vel ejus deputato, se comparitum proximo die juridico ex tunc sequenti; et sic posteâ quolibet, &c. Reo autem non comparente statim luant fidejussores sine favore.

Insuper juxta tenorem Statutorum Academiæ

De Causis Fo-
rensis intra
septem dies fi-
niendis.

A.N.

nostras, principales personæ factum ipsum per se proponant, viz. Actor per se suam actionem, et Reus suam defensionem; nec defensores vel Procuratores admittantur pro iisdem, nisi adversa valetudine vel alia legitimâ causâ per Dominum Procancellar: approbandâ sint detenti, quo minus in judicio sui præsentiam poterint exhibere: de quibus in principio coram Domino Procancellario, vel Commissario, vel delegatis judicibus fidem faciat juramento; quo præstito, et causa utrinq. declaratâ, et non antea admittantur. His omnibus (sicut præcipitur) factis et observatis.

Primo die juridico detur materia, sive fiat facti declaratio; fiat etiam litis contestatio; et præstet reus juramentum de fideliter respondendo; et moneatur ad subeundum examen infra triduum, (nisi causæ sint leviores et ordinariæ, in quibus judex potest statim tam partes principales, quam testes, si quos præsentes habent publicè interrogare et examinare de veritate facti, et omni solennitate prorsùs semotâ, causam statim finaliter determinare) sed utcunq. triduo elapso, vel antea, si fieri possit, habeat Actor Copiam responsi, ut videat an opus habeat ulteriori probatione, et sciat quod ultra ei faciendum habeat etiam ad probandum in proximum, et post triduum exeat compulsorium pro testibus.

Secundo die juridico veniat Actor paratus ad probandum, et testes suos producat, si quos habeat; testes judex in levioribus et ordinariis causis potest, ut supra, publicè interrogare de veritate materiæ sive allegationis, et statim causam finaliter determinare: sin longior causa sit, et altiorem examinationem requirat, habeat reus

A.N.

biduum pro interrogatoriis, et intra principium tertii diei, et diem proximum juridicum examinentur testes, tam super materiam originali Actoris, quam super interrogatoriis per Reum datis.

Tertio die juridico publicentur dicta testium, et assignetur ad Sententiam in proximum, et proximo feratur Sententia, nisi Reus velit excipere: si velit, Reo detur proximus ad excipendum, quo die adveniente respondeat Actor, ut supra Reus Actori, et præstet juramentum, et subeat examen ut supra, et Reo detur terminus ad probandum, et fiat, ut supra, Actori.

Quarto die producantur testes Rei, si quos habeat, qui juramento suscepto moneantur examinari citra proximum: reliquaq. fiant per judicem vel in publicâ testium examinatione, vel in concedendis alteri interrogatoriis, quæ secundo die juridico fiebant de testibus Actoris.

Quinto die publicentur dicta testium Rei, assignetur ad Sententiam proximo, et ad informandum interim.

Sexto die feratur Sententia.

Septimo et ultimo, nisi interim ab altera parte appellatum fuerit, mandetur Sententia executioni.

Placet etiam vobis, ut quilibet Advocatus, Procurator, sive causarum defensor, nec non quilibet Officiarius Curiarum Academiæ nostræ virtute juramenti sui corporalis, per eorum quemlibet præstandi, præmissa omnia et singula strictè teneantur observare, priusquam in ullis causis in posterum in dictis Curiis movendis admittantur: et, ut iste ordo et hæc concessio vestra pro Statuto habeatur; et in libris Procu-

A.N.

ratorum infra decem dies jam proxime sequentes
inscribatur.

Aug. 3rd.

Graces for any
Alienations not
to pass, but in
3 Congrega-
tions.

V. inf.

1612. 23. Are you pleased, that no Grace shall pass in the Regent house touching the leasing, granting, alienating, or disposing of any your lands, tenements, hereditaments, or any other right, or estate of inheritance, or for Life, or term of years, belonging to the University; or touching any alienation of any right any way belonging to the University, before the same Grace hath been read in three several Congregations or Convocations, or in the same Congregations or Convocations continued. And if any such Grace shall hereafter pass, contrary to the provision of this Grace, that the same be void to all intents & purposes. And, that this your grant be a Statute, & written in the Proctors books within fifteen daies now next following.

Jun. 2nd.

De Subscrip-
tione Docto-
rum, et Bac.
S. S. T.

1613. 24. Placet vobis, ut juxta tenorem Literarum a serenissimo Rege Jacobo missarum, hoc in Senatu decernatur: ut nullus in posterum sibi concessam habeat Gratiam pro Gradu Baccalaureatus in Theologiâ, vel Doctoratus in aliquâ Facultate adipiscendo, qui non priùs coram Domino Procancellario, aut ejus deputato, tribus Articulis, viz. regii Primatûs, Leiturgiæ Anglicanæ, et Articulorum Religionis, de quibus convenerunt Archiepiscopi et Episcopi A. D. 1562 propriâ manu suâ subscripserit. Et, ut hæc concessio vestra loco Statuti habeatur, et in libris Procuratorum infra decem dies inscribatur.

Feb. 7th.

De Stipendio
Oratoris ite-
râm sugendo.

1613. 25. Quum Oratoris vestri munus, multis expositum

A.N.

Laboribus, parvo admodum stipendio compensetur, parum digno tam honestæ existimationis officio, nec ei, quo Academiæ Oxoniensis Orator gaudeat dimidia ex Parte pari : Placet vobis, ut in annum ejus, quo jam fruitur, stipendiī incrementum, singuli deinceps admittendi ad respondendum Quæstioni, et ad incipiendum in Artibus duodecim insuper tenuarios Oratori solvant : Et, ut hæc concessio vestra Procuratorum libris infra decem dies inserta pro Statuto in perpetuum habeatur.

Maii 14°.

1624. 26. Cum singula negotia Academica non nisi cum magna deliberatione transigi debeant : cunq. subita suffragiorum præcipitatio magna secum trahere soleat incommoda : Placet vobis, ut uanimi Procancellarii, Regentium, et non-Regentium autoritate statutum et decretum sit ; ut omnis Bonorum Academiæ mobilium vel immobilium alienatio, vel ad firmam dimissio, vel ad Beneficium Præsentatio, vel deniq. qualiscunq. concessio (ubi contrarium non sit specialiter provisum in Statutis) duarum Congregationum moram expectat ; quarum in primâ legatur tantum et proponatur, et non nisi per alterius congregationis suffragia rata habeatur : hac etiam interposita cautione, ut si prior Congregatio anteimeridiana fuerit, posterior sit a meridie ; si prior pomeridiana fuerit, non nisi crastino die, aut intra septimanam transigatur : aliter de novo Senatui secundum hanc formulam præmissam proponatur : et si secus fiat, omnis hujusmodi Bonorum alienatio, vel ad firmam dimissio, vel ad Beneficia præsentatio, vel qualiscunq. deniq. concessio nulla et irrita habeatur.

De Gratiis in
duabus Con-
gregationibus
legendis.
V. Sup. & inf.

A.N.

Quo tamen Statuto vestro Nobilium et Oxoniensium, et Questionistarum hujus Academiæ, præsentanea admissio non impediatur. Et ut hoc Decretum vestrum pro Statuto habeatur inq. Procuratorum libris infra decem dies immeiatè sequentes inscribatur.

Maii. 14.

De Patre ab Inceptoribus eligendo.

1624. 27. Placet vobis, ut non nisi alter è Procuratoribus ad munus Paternitatis in majoribus Comitiis ab Inceptoribus in Artibus quotannis eligatur. Qui sic electus non alium quâcunq. de causâ sibi ad id munus obeundum substituet, præterquam in quem Procancellarius et major pars Præfectorum Collegiorum consenserint ; ita tamen ut universa emolumenta quacunq. ratione, quâ Statuto, quâ consuetudine Patri contigerint, inter binos Procuratores æquo jure distribuantur : Et, ut iste ordo, et hæc concessio vestra pro Statuto habetur et in libris Procuratorum infra decem dies jam proximè insequentes inscribatur.

Jan. 28.

De Doctoribus Medicinæ transmarinis.

1624. 28. Placet vobis, ut quicunq. in partibus transmarinis Gradum Doctoratûs in medicina suscep- rint ; et postea in hac celeberrimâ Academiâ Cantab. ad eundem Gradum admitti, seu apud vos (incorporari ut dicitur) postulaverint ; dispu- tationem more Respondentium in hac Academiâ in sua Facultate perficiant, priusquam admittan- tur, seu incorporentur : et senioritatem tantum habeant in hac Academiâ ab eo die, quo admissi fuerint : nisi alitèr ex justâ causâ per majorem partem Regentum et non-Regentum appro- banda, per Academiam dispensatum fuerit. Quod si quis alitèr admissus, aut incorporatus fuerit, ut ejus admissio seu incorporatio pro

AN.

nulla habeatur: atq. ut hoc decretum vestrum Statuti deinceps vim obtineat; et infra decem dies in libros Procuratorum referatur.

Maii 14°.

1628. 29. Cum aliqui ad respondendum Questioni admissi, contra usitatas consuetudines hujus Academie, et ante tempus in Statutis nostris praescriptum, in ordinem Magistrorum in Artibus cooptati fuerint: Placet vobis, ut omnes ii, quibus post ultimum actum, et ante decimum quartum Januarii, vestra dignitas admissionem ad respondendum Quæstioni in posterum concesserit, virtute juramenti Academie præstigi obstringantur; se neq. hic, neq. Oxonii, cum Gradum Magisterii ambiant, Terminorum computum facturos ab ea admissione; sed a finali determinatione admissionem subsequenti: utq. hoc decretum vestrum pro Statuto habeatur; et in Procuratorum libris infra novem dies inscribatur; et in eorum admissione perlegatur in hæc verba.

Statuimus etiam, quod unusquisq. ad respondendum Questioni post ultimum actum et ante 14^o. Januarii admissus, virtute Juramenti Academie præstigi obstringatur; se neq. hic, neq. Oxonii, cum Gradum Magisterii ambiat, Terminorum computum facturum ab admissione; sed a finali determinatione in Quadragesima, admissionem suam subsequente.

Jan. 21°.

1631. 30. Cum in approbandis iis, qui Gradum Baccalaureatus in Artibus suscepturi sunt, Statutis cautum sit, ut una cum Procuratoribus, duo in Artibus Magistri a majori parte Regentium deputentur, qui omnes dictum Gradum ambientes, examinare et probare tenentur; nihilq. certi

Terminorum
computus Bac.
ad Bapt. unde
faciendus?

De Fædis Exa-
minatorum.
v. inf.

A.N.

stipendii huic Negotio operam navantibus a prædictis Statutis assignetur; unde eorum aliqui, suo arbitrio rem permissam arbitrati plus æquo a nonnullis exegerint: Placet vobis, ut nec Examinateores a vobis hoc anno electi, nec in posterum eligendi, ab aliquo eorum qui in publicis Scholis se examinandos steterint, ultra 20 denarios: eorum vero, qui inibi publicum examen non subierint, ultra 40 accipient. Et siq[ue] contra fecerint, ipso facto totum istius inumeris emolumen-
tum communi cistæ persolvant, et suffragiis suis in Senatu per biennium priventur. Atq. ut hoc vestrum decretum pro Statuto habeatur, et in li-
bros Procuratorum intra decem dies referatur.

Feb. 11°.

Pro commemo-
ratione Bene-
factorum.
V. inf.

1639. 31. Cum frequens et repetita beneficiorum acceptoru[m] commemoratio pietatem Academicam maximè commendet, prorogandæ benevoloru[m] hominum famæ plurimam inserviat, et aliorum beneficentiae in posterum exercendæ clarissimum exemplum præbeat, tanquam virtutis, et præteritæ præmium, et futuræ incitamentum: Placet vobis, ut, ad supremi Numinis majestatem vene-
randam, ad beneficiorum et liberalium hominum memoriam ab interitu asserendam, et Academiæ gratitudinem in perpetuum testificandam, in die dominico, qui ante tertium Novembris proximus est, sollennis et anniversarius omnium ordinum Academicorum conventus, in Ecclesiæ B. Ma-
rie ad horam nonam indicatur; et inter divino-
rum officiorum solennitates, eodem ordine, quo in Collegiorum privatorum commemorationibus per Statuta Academiæ præscribuntur, observa-
tas, extraordinarius aliquis concionator (ex de-
lectu et arbitrio Procancellarii ad hoc munus

pro tempore assignatus) concionem habeat: Ut, post finitam hujusmodi concionem, Fundatorum, et Benefactorum nomina aperte et singulatim ab eodem recitentur, nec non et beneficiorum multitudo simul atq. amplitudo, quibus Academiam hanc nostram vel adauxerint, vel exoruaverint, in publicum proferantur: Ut, quicunq. in futurum eodem studio, eadem animi benignitate Academiæ Cantab. utilitatem et dignitatem promovebunt, eundem apud nos honorem, eandem nominis celebritatem exinde consequantur: Ut, nullo ad matutinum concionandi officium, ordinario cursu, illo die nominato, conscripta atq. usitata concionatorum series inoffenso ordine progrediatur: Ut, venerabiles viri D.. Procan. D.. Ward, D.. Cumber, D.. Lany, et D.. Stern, una cum M^o. Molle Oratore, M^o. Hutton, et M^o. Greenhagh Procuratoribus, et M^o. Honeywood; sive hi omnes, sive horum quinq. aut quatuor huic negotio præficiendo exequantur: qui Autoritate vestra communiti, acta publica revolvant: archiva consultent; prædicta nomina beneficiaq. exscribant, colligant, et in ordinem disponant, eorumq. numerum et recensionem manibus suis subsignatam ante festum Sancti Lucæ proximè secuturum hic in plena Congregatione vobis repræsentent: Ut, haec ipsa personarum enumeratio, et beneficiorum quotannis in die dominico, ante magna Comitia proximo, ab antemeridiano concionatore post absolutam concionem pronuntietur; omissa tamen illo tempore sacrorum prædictorum celebratione: Ut, nulli itidem eodem die ad vices concionandi consueto more designentur: sed penes solum Procan. potestas semper sit duos ex Inceptoribus aut

A.N.

Baccalaureis in Theologiâ ejusdem Anni, aut alios quosvis pro arbitratu suo prospiciendi; qui illo die concionandi officio tam ante quam post meridiem defungantur. Placet etiam vobis, ut hoc decretum vestrum post prædicta Benefactorum nomina collecta, et vobis repræsentata Statuti vim et locum obtineat; et intra decem dies Procancellarii et Procuratorum libris inseratur.

Recensio autem Benefactorum a Procan. et cæteris supra nominatis collecta, in ordinem digesta, manibusq. suis subsignata, per eundem Procan. in plenâ Congregatione recitata fuit 10°. Oct. 1640; et repetita sermone vulgari 17°. ejusdem mensis.

Mar. 26.

De falso prætendentibus
Procuratoriam
potestatem.

1640. 32. Cum nonnulli nuper Procuratorum Autoritatem ementiti, communem ! pacem turbaverint, Incolarum Cantebrigiensium domos invaserint; et non solum tumultuosas, sed etiam funestas rixas excitaverint; unde gravissima infamia intra Academiam orta, in plurimas hujus regni partes diffusa sit: Placet vobis, ut, ad disciplinam Academiae vindicandam, ad enorme hoc dedecus depellendum, et tranquillitatem h̄ic publicam firmandam; quicunq. in posterum falsam, et indebitam Procuratorii muneric dignitatem vel potestatem sibi arrogaverint, sub eoq. prætextu Cantabrigensem villam, aut aliquam ejus Partem pervagati fuerint, cuiusq. ædes vexaverint, Oppidanos, Academicos, sive etiam peregrinos, injuria, contumelia, vel damno affecerint; sine ulla cunctatione carceri per quatuordecim dies includantur; neq. inde prius liberentur, quam 40

A.N.

solidos pro admissso facinore in manus Procancelarii deposuerint, ad usum communis cistæ applicandos. Quod si qui eo temeritatis, ac petulantiae processerint, ut semel in hoc flagitio deprehensi, in idem iterum impingant; decreti hujus vestri autoritate ab Academiâ amoveantur protinus, et expellantur ipso facto. Placet etiam, ut hæc concessio vestra Statuti loco habeatur, et infra decem dies Procancelarii et Procuratorum libris inseratur, nec non in singulis Collegiis infra septimanam proximam promulgetur.

Ex Lib. Gratiar.

Dec. 9,

1645. 33. Cum 24° Nov. 1606 concessum erat ab Academiâ, (prout patet ex Registro vestro) ut quis Procancelariatûs munere ornatus, ipso facto idoneus sit, ad Gradum Doctoratûs in quacunq. Facultate suscipiendum, et ad plenariam admissionem creationemq. in frequenti Senatu obtinendam: ita tamen ut eadem annorum intervalla, eadem exercitia, eadem solutiones præstentur, quæ ex veteri instituto præstari solebant, nisi speciali Gratia aliter per Academiam dispensatum fuerit: atq. ut hæc concessio pro Statuto in perpetuum habeatur, et in libris Procuratorum inscribatur. Cumq. hæc concessio in libris Procuratorum non reperiatur inscripta, sed viribus cassa habeatur: Placet vobis, ut dicta concessio in pristinum vigorem restituatur, et Autoritate vestra firma rataq. fiat, ac perpetuis temporibus futuris vim Statuti obtineat, inq. libris Procuratorum infra decem dies proximè sequentes inscribatur.

Quod Procan.
sit idoneus ad
Gradum Doc-
toratûs.

This is incon-
sistent with
Stat. Eliz. Cap.
21, & there
has been no
practice upon
it.

A.N.

Mar. 20,

De Juramentis
Graduatorum.

1645. 34. Cum ad observationem quorundam Statutorum in Graduatorum admissionibus legendorum singuli teneantur virtute juramenti sub pænis variis in dictis Statutis (prout in libris Procuratorum integra habentur) expressis; quarum quidem pænarum in dictorum Statutorum particulis in dictis admissionibus legendis, nulla sit mentio: **Placet vobis, ut singuli ad Gradum aliquem in posterum admittendi, jurent expressè, se vel Academiae Statuta (quatenus ipsa ad se spectant) fideliter observasse et observaturos; vel monitiones, correctiones, et pænas dictorum Statutorum transgressoribus incumbentes sine contradictione quacunq. humilitè subiisse atq. substitutos.** Et ut hæc vestra concessio pro Statuto habeatur; et in libris Procuratorum infra decem dies proximè sequentes inscribatur.

Oct. 10,

Da compotis
cistarum red-
dendis.

1646. 35. Cum per quinquennium proximè elapsum nulla ratio computi cistæ Fenne et Neele, non sine magno Academiae incommodo, reddita fuerat: **Placet vobis, ut Custodes et Auditores dictæ cistæ Fenne et Neele quotannis in posterum supervideant statum, et rationem ejusdem reddant.** Et reliquarum etiam cistarum, viz. Billingford, et Bawcer, Darlington, et Exceter, et Trinitatis, eodem tempore quo generalis computus communis cistæ coram auditoribus ejusdem habeatur: atq. ut hæc concessio vestra pro Statuto habeatur, et intra quatuordecim dies in libros Procuratorum inscribatur.

Nov. 27,

De ordinandis
Munimentis.

1646. 36. Cum commissio vestra Dec. 15, 1621, de scriptis munimentis Academie perscrutandis inq.

A N.

ordinem redigendis, et in salva custodia reponendis quo publico usui esse possint, facta dignissimis viris Dno Procan: tunc temporis existenti, una cum aliis in dictâ concessione nominatis, debitum effectum adhuc non sit consecuta: conceditur, ut ejusdem rei fidelis curâ de novo demandetur dignissimis viris Dno Procan. Doctoribus Love, Minshull, Forth; Dmîs Procuratoribus, Mris Whitchot, More Caui, Rhodes, Hobart, Crouch, Whin; sic ut consimili auctoritate vestrâ muniti, liberum et licitum sit eis vel aliquibus eorum quinq. (quorum Dnus Procan. semper unus sit) eandem commissionem vestram quoad poterint fideliter adimplere.

Nov. 28,

1646. 37. Cum Statutis cautum sit ut Medicinæ Bacalaureus tres Anatomias videat, Medicinæ studiosus duas; regiusq. in Medicina Lector unam quotannis faciat, modo Auditores impensas persolvant; verum per aliquot jam retro annos, quo exiguo sumptui parceretur, cessatum prorsus fuerit ab Anatomis faciendis in pœclarissimæ facultatis Medicæ Chirurgiæq. ingens apud nos detrimentum, inq. Statutorum et studiosorum fraudem non ferendam: Placet vobis, ut communia hac vestrâ concessione (in libris Procuratorum inscribenda, et pro Statuto in quinquennium subsequens habendâ) provisum de cætero atq. ordinatum sit ad impensas unius saltem Anatomie quotannis suppeditandas; ut Procuratores a singulis, qui Gratiam hic aliquam in Medicinâ aut Chirurgiâ obtinent, ejusdem rei respectu exigant tredecim solidos et octo denarios; a singulis vero Quatuor. admittendis ad respondendum Questioni, vel ad

De impensis
pro Anatomia
suppeditandis.

incipiendum in Artibus eodem intuitu exigant unicam tantum drachmam, atq. istas summas, pro Receptorum ratione, cistæ communi fideliter persolvant in crastino diei Cinerum atq. magnorum Comitiorum. Procancellarius vero à singulis Sociis Coll. non Doctoribus, quos Medicæ professionis privilegio gaudere constabit, mense Junio quotannis exigat decem solidos solvendos per M^rm Collegii aut Bursarium ejusdem, ad petitionem Procan. per Bedellum; atq. applicandos eidem cistæ in computo. Idem deniq. Procan. Lectorem in Medicinâ Regium ineunte Termino post primum Diem Januarii moneat, ut se ad legendum paret, locumq. ipsi, cum postulaverit, opportunum, et dies tres aut quatuor assignet Anatomiae faciendæ: et in crastino finitarum lectionum suarum Anatomicarum, persolvat ipsi ex cista communi impensas omnes, tam pro instrumentis, quam pro mercede eorum, quorum opere usus est, in cadavere advehendo, dissecando, sepeliendo, cæteraq. quæ par est in Anatomia fieri, peragendo. Proviso sempèr, quod si intra hoc quinquennium præselectiones istæ Anatomicæ ex aliquo defectu omittantur, etiam et solutiones omnes supradictæ in eundem annum pariter omittentur.

Dec. 16,

De augendo
stipendio Re-
gistrarii.

1646. 38. Cum Matthæi Whinn Registarii vestri munus plurimis expositum sit laboribus; cumq. emolumentum, quod subscriptionum nomine prædecessoris sui fædis accesserat, jam penitus extinctum sit; et reliqua fæda, quæ ei ex hoc munere suo accrescunt, tam sint exigua, ut officio tam oneroso obeundo haud sufficient: Placet vobis, ad

AN.

summam ejus diligentiam in dicto munere fungendo excitandam, stipendium illius aliqua ex parte auctiūs reddere, concedereq. ut, (cum antehac singuli qui ad respondendum Quæstioni admitterentur, duos denarios; ad incipiendum in Artibus, vel ad Gradum Bac. in Jure, Medicinâ, aut Musicâ, quatuor denarios; ad opponendum in Theologiâ sex denarios; ad incipiendum in Theologiâ, Jure, Medicinâ, aut Musicâ octo denarios Registrario vestro penderent) in posterrum Quæstionistæ decem; Inceptores in Artibus, nec non Bac. in Jure, Medicinâ, aut Musicâ, octo; Bac. in Theologiâ, sex; Inceptores in Theologiâ, Jure, Medicina, aut Musicâ, quatuor denarios illi adjiciant: ita ut duodecim in universum denarios pro se quisq. eidem solvere teneatur. Et ut hæc concessio vestra pro Statuto habeatur; et in libris Procuratorum infra decem dies proximè sequentes inscribatur.

Feb. 22,

1646. 39. Cum illustrissimi cujusdam herois munificentiâ libri Procuratorum (nimiâ vetustate obliteratione) de novo jam sunt exscribendi atq. adornandi; in quibus nec omnia planè inter se reperiantur eadem, nec eodem digesta ordine; quin et nonnulla, quæ inscribi oportebat, in utrisq. penitus omissa sint, alia vero non pauca (unde volumina excrescunt) istiusmodi sint, ut iüs exscribendis insudare vix sit pretium operæ: Conceditur ut una cum Dño Procan. et Dnis Procuratoribus; Doctoribus Love, Medcalf, Rainbow, Minshull, Goad, Bond; Magistris Molle, Duport, Cedworth, Whitchott, Wheclock, Fothergill, Ganning, More Caii, Hobart, Worthington, Roades, Crouch, Dyllingham Sen. Syd. Syllyby,

De libris Procuratorum exscribendis.

STATUTES, &c.

A.N.

aut eorum aliquot octo, (e quibus Dom. Procan. et alter Procuratorum semper sint duo) Authoritate vestra deputentur, qui libros predictos summa cum fide et sinceritate (sub virtute juramenti Academæ præstati) diligentè conferant, in ordinem (quam fieri potest maximè concionum) redigant, quid de jure adscribi, quid contrahi aut omitti possit, censeant; ea tamen conditione, ut cum novi libri accedant, etiam ut veteres isti in perpetuam rerum memoriam quotannis transmittantur in Senatu ad succedentes Procuratores sub syngraphâ centum librarum ab ipsis exigenda de eorundem librorum salva custodia.

Feb. 22,

De juramentis
pro Gradibus
refingendis.

1646. 40. Quanquam nihil nobis sanctius esse, aut maiore cum reverentia et religione haberi oporteat, quam juramentum: experientia tamen nos docet, tam in Baccalaureorum atq. Magistrorum, quam in aliis fere omnibus Academæ nostræ juramentis, partim ex immutatione statutorum, partim ex longâ nonnullorum rituum desuetudine factum esse; ut non solum rebus non necessariis, sed non intellectis etiam planèq. abolitis jurantium conscientiæ onerentur: pro cujus scandali amotione: Placet vobis statuere, ut gravissimi iudem viri, quibus non ita pridem commisisti negotium de libris Procuratorum conferendis, digerendis, exscribendisq. eadem vestra authoritate et jura menta omnia Academæ examinent, et eorundem particulas illas segregent, expungantq. quas antiquatas et abolitas esse certò reperient. Porro in majorem tum conscientiarum serenitatem, tum memoriarum præsidium, Placet etiam vobis decernere, ut eodem tempore quo' Baccalaurei aut Magistri Artium pro Grado tuo, aut quilibet

A.N.

alius communi de causâ ad solenne aliquod jura-
mentum Academicum adiunguntur; (exceptis tan-
tum incorporandis et Academiæ Officiariis) Pro-
cancellarius unicuiq. tradi curet typis Academiæ
expressam juramenti sui materiem, ea lege, ut
quilibet solvat ei in Matriculatione unum denari-
um tantum: in Gradibus singulis cujusq. Facul-
tatis usq. ad Doctoratum duos denarios; in Doc-
toratu Drachmam, pro cujusq. juramenti typo-
graphiâ.

Ap. 29,

1647. 41. Cum pessimo more candidati, post disputatio-
nes in Scholis, privatas, et majoribus nostris pe-
nitus ignotas invitationes induxerint; ad grandem
Academiæ infamiam, et gravissimas expensas et
damnum eorum, qui summo labore suo et curâ
studiosos alant: Placet vobis, ut (ad querelam
hanc adversus Academiæ disciplinam auferen-
dam) omnes Inceptores et Quæstionistæ deinceps
futuri, ab omnibus hujusmodi invitationibus, com-
missionibus, et conventibus abstineant: nomi-
natim, ut Moderatores vel Disputatores non au-
deant vel invitare, vel hujusmodi invitationes cu-
juscunq. rogatu acceptare, aut commissionibus
eiusmodi interesse. Et si qui in isto genere
delinquant; ut habeantur infames propter luxuri-
am et inobedientiam; et ut ad arbitrium Dñi
Procan. pro tempore existentis, vel viginti solidis
in usum cistæ communis mulcentur; vel ab eo
Gradu, quem habent, suspensionem incurant:
atq. infra annum illum in quo deliquerint nullam
Gratiam neq. Gradum in Academiâ obtineant.
Et ut hæc concessio vestra pro Statuto habeatur,
et in libris Procuratorum infra decem dies prox-
imè sequentes inscribatur.

Contra Invita-
tiones Candida-
torum.

A.N.

Ap. 29.

De Registrarii
munere.

1647. 42. Cum acta publica, placitaq. Senatus Academicus, literæ insuper Nobilium missæ ad Academiam, ejusq. vicissim ad illos missæ; nec non Patronorum donationes, querelarum porrò, litium, causarum et controversiarum quaruincunq. processus, exitusq. ad defensionem jurium vestrorum, privilegiorum, immunitatum, &c. spectantes; Gratiarum aliquot specialium concessiones; et quicquid deniq. sive Cancellarius, sive Procan. aut jure suo, aut consensu atq. arbitratu vestro Commentariis publicis mandari præceperit, posteris perquam utilia sint, et æternitati sacra esse debeant: cumq. ad acuendam Registrarii vestri in munere suo obeundo diligentiam, stipendum ei suffragiis vestris non ita pridem auctum et amplificatum sit: Placet vobis, ut in usum Academie Codex Senatus cum indice Rationario ad sanctiones vestras, et res, suis quasq. titulis à Registrario exscribendas et investigandas, ē vestigio habeantur: ut acta et placita Senatus cum singulis superiùs memoratis; nec non cujusq. Termini transacta negotia in fine ejusdem Termini distinctè scribantur, disponantur, et digerantur: Ut eadem, ita suis locis distributa, post decem exclusivè à finito Termino dies Procancelario; et in primâ Congregatione proximè sequentis Termini, Capiti Senatus a Registrario exhibeantur; quo paratiùs ejusmodi monumenta Procancelario et successoribus, omnibusq. Academie negotia procurantibus in procinctu semper sint. Et, ut hæc omnia Registrario clariùs subindè innotescant; et nequid sanctionem hanc vestram remoretur; Placet vobis, ut idem Registrarius ad nutum Procancelarii cuilibet Sena-

A.N.

tui convocato, ad placita Senatus expectanda et excipienda intersit: ut, ad publicos Academiæ computos Codex Senatus cum indice rationario a Registrario afferatur, et Auditoribus præsto sint; quo melius constare possit de Actis et Rationibus supra nominatis, fideliter transcriptis, et ad posteros prædicto Modo transmissis. Placet insuper, si quid ex præmissis Registrarius negligentè prætermisserit, aut si (quamvis non prætermisit) dictis temporibus, locisq. et coram personis supradictis se munere, officioq. suo (ut ante monitum) defunctum esse non comprobaverit; ut, primâ vice admonitionem publicam accipiat à Procan. coram Capite Senatus. Si secundâ vice, in computis Academiæ inulctam luat quartæ partis stipendii ejusdem anni, quo indiligentiae suæ arguatur. Si tertia vice, partem medium dicti stipendii coram Capite Senatus. Si quartâ, coram Capite Senatus quartam. Verum deniq. si quintâ in perpetuum exauctoretur. Sin vero, (quod plerumq. solet) impunitatem per quatuor vices auferat; sciat tamen se sic ut ante peccantem, virtute hujus decreti vestri munere suo exutum esse: Atq. hinc, cum per idoneos testes coram Senatu in Capite Senatus reus compertus fuerit, aut Procancellarius, aut alter Procuratorum eodem die, tempore, et loco, Registrarii publici munus vacare pronunciabit. Nec non Placet vobis, (ne vestrum hoc decretum, unde splendor et disciplina Academiæ multum pendet; ullius in posterum Registrarii oscitantiâ, aut inspectorum in bonos mores formandos intemperie irritum fiat intercidatq.) ut decretum hoc vestrum habeatur pro Statuto; et in prima acie aut fronte Statutorum

A.N.

codicis Senatus, tanquam indubitata reliquorum arx et praesidium praestruatur et præmittatur.

Placet deniq. ut hodiernus Registrarius Chirographo suo tum hujus statuti aut edicti vestri sequitatem agnoscere et comprobare, tum diligentiam suam et vobis promittere et successoribus suis commendare dignetur.

Jul. 2,

De juramento
S. T. B.

1647. 43. Cum quilibet, qui Gradum vel Baccalaureatus vel Doctoratus in Theologiâ hic suscepturus sit, expressè jurare teneatur, se semel ad Crucem Divi Pauli infra annum post Gradum susceptum concionaturum: conceditur, ut in majorem cautelam in dicto juramento hæc verba inserantur: ‘ si legittimè vocatus fuerit, et justâ causâ non impediatur’.

Ex Lib. Gratiar.

Jul. 3,

Clausula jura-
mentis Acad.
annectenda.

1647. 44. Placet vobis, ut, in majorem in posterum cautelam jurantium, et levamen, hæc verba sint annexa juramentis Academiæ, Matriculationis, Admissionis, et Creationis, viz.

Senatus Cantabrigiensis decretit et declaravit, eos omnes, qui monitionibus, Correctionibus, mulctis, et pænis Statutorum, Legum, Decretorum, ordinationum, injunctionum, et laudabilem consuetudinum hujus Academiæ transgressoribus, quovis modo incumbentibus, humiliter se submiserint, nec esse, nec habendos esse perjurii reos.

Ex Lib. Gratiar.

Feb. 27,

Pæda pro sigil-
lo com. solven-
da.

V. Sup.

1649. 45. Cum multæ Gratiae et beneficia, ad sigillum commune spectantia, ab Academia sæpenumerò concessa sint, quæ postea ab ipsorum candidatis

A.N.

aut non agnoscuntur aut omnino rejiciuntur: Placet vobis, ut quicunq. deinceps petitionem, sive Gratiam, negotium communi sigillo Academiæ sigillandam continentem Capiti Senatus offerendam curaverit, sex solidorum et octo denariorum summam in manus senioris Procuratoris pro tempore tradat prius et persolvat: quo constare possit, predictos candidatos hujusmodi Academiæ beneficio bonâ fide fruituros: quoq. magis de debitibus solutionibus inter singulos officiarios ob sigillum ritè distribuendis cautum sit. Et ut hoc Decretum vestrum pro Statuto habeatur; et infra decem dies in libris Procuratorum inscribatur.

Jan. 21°.

1652. 46. Placet vobis, ut si quis dispensationem vestram pro exercitiis suis differendis in posterum ambierit; et ob id ipsum requisitam cautionem obtulerit; Procancellarius qui pro tempore fuerit, neq. Syngrapham, neq. Sponsores admittat: sed pecunius tantummodo numeratis acceptis, easdem demum post officii sui vacationem in generali computo ad Academiæ usum proferat: neq. prius rationum suarum onere liberetur, quam eas summas coram electis Academiæ Auditoribus communi cistæ intulerit: atq. ut hæc concessio vestra pro Statuto habeatur; atq. in libris Procuratorum intra decem dies inscribatur.

Nullæ Cautio-
nes, nisi pecu-
nia numerata.

Apr. 27°.

1661. 47. Cum nobis omnibus incumbit Academiæ famam tueri, dedecus depellere; Placet vobis, ut omnia rescripta, jussiones, et mandata Oliveri, super dicti Protectoris, reliquaq. istius tyrannidis monumenta, que in Registro hujus Acade-

De mandatis
Oliveri ex Re-
gist. delendis.

A.N.

miæ, vel alibi prostant visenda, delectantur; et de medio penitus tollantur.

Ap. 27°.

**De Concionato-
ribus Acad.
non rite ordi-
natis.**

1661. 48. Placet vobis, ut eorum omnium, qui per hæc tempora, præsertim Oliveriana, constituti sunt Concionatores Academiæ, ii solum, qui ritè ordinati sunt, juxta forinam Ecclesiæ Anglicanæ, pro veris Concionatoribus hujus Academiæ habeantur.

Jul. 4^{to}.

**De munimen-
tis Acad. tutò
reponendia.**

1662. 49. Cum ad Academiæ honorem et incolumentem conduceat plurimum, ut rescripta Regum, Senatus hujus consulta, cæteraque. Reipublicæ nostræ mumenta in loco aliquo tuto et solenni custodiantur: quæ hactenùs inter Oppidanorum ædes, incendiis, rapinis, multisq. casibus obnoxia delitescunt. Placeat vobis, ut in posterum intra publicas Scholas asserventur: et ut vacivo loco, qui inter Scholas Theologicas et Philosophicas interjacet, curâ Dñi Procancellarii (qui pro tempore fuerit) Archivum publicum Academiæ impensis clathris et forulis instruatur, quo mumenta prædicta possint accuratiùs et ad usum hujus Senatus accommodatiùs asservari.

Apr. 3^o.

**De Conciona-
bus in Templo
B. Marie.**

1663. 50. Cum in B. Mariæ templo non raro desiderentur Oratores sacri, qui concionandi vices aut ordine suo non alternant, aut (quod perindè displicet) ineptos plerumq. vicarios in locum suum subornant, unde certè et in aestimatione hominum vilescit Academia, et sermonis peregrinitate defessi Auditores primariam ædem relinquunt, atq. aliò potius ad auscultandum se conferunt. Quo grassanti malo præsens re-

A.N.

medium adhibeatur, ac tergiversantibus in posterum color omnis præripiatur; adoptatis præsertim jam in officiū sacri partes duobus de novo Collegiis. Placeat vobis, primum, ut (in communis obsequiū levamen) pomeridiani labores (præterquam in Dominicis Feriisq. quas more majorum in nati, vel ascendentis Christi, vel Michaelis, vel omnium Sanctorum, vel Angelicæ deniq. salutationis memoriam celebramus) omittantur. Deinde Placeat vobis, ne quis deinceps in Dominicis, Feriisve matutinis cursum suum negligat; nisi qui solidis quadraginta culpam redimat. Placet vobis, ut concessio modo lecta vim Statuti habeat perpetuis futuri temporibus; et intra 15 dies libris Procuratoro. inscribatur.

Dec. 16°.

1667. 51. Cum Academie nostræ Bibliotheca publica recens auctior facta fuerit munificentia amplissima virorum, omni memoriâ dignissimorum, Doctoris Holdsworth Professoris nuperi, et M^r. Lucas pridem Burgensis hujus Academie; et recenti accessione *reditus annui locupletissimi quinquaginta librarum, ad novos libros coemendos, ex donatione perhonorifica pientissimi viri M^r. Tobiae Rustat Armigeri: interea autem temporis, nunc quam antea infructuosius libri hujus Bibliothecæ usibus Academicorum inservire reperiantur; id quod vix effugiat verisimilem offensionem animorum, præsentium et futurorum Benefactorum; dum viderint libros, jam dono datos, nulla utili dispositione aut collationis ordine donatos: Placeat vobis, ut Bibliothecarius vester publicus senatusconsulto vestro obligetur: Primò, ad libros justo ordine

De Bibliotheca
et Biblioteca-
rio.

V. inf.

*The Manor of
Ovington in
Norfolk.

A.N.

seriatim per classes dirigendos disponendosq. et in subsellis quosq. suis rite collocandos ante festum Annuntiationis B. Virginis Mariæ proximè securum: et deinde ab eodem Bibliothecario perfectus librorum census, et catalogus describatur, tum imprimariarum, tum deinceps, prout accessio facta fuerit librorum, de anno in Annum. Porro, ut ab eodem Bibliothecario vestro tam assidua adhibeatur diligentia, ut singulis diebus profestis, vel ipse per se, vel per vicarium aliquem suum, a Dño Procancellario approbandum, Bibliotecæ intersit his horis præstitutis, viz. tempore antemeridiano ab hora octava ad undecimam, pomeridiano vero a prima ad quintam, vel per hiemem ad noctis primum crepusculum. Deniq. ut syngraphâ suâ Academiæ firmiter se obliget ad librorum quorumcunq. jacturam resarcendam. Et ut has præscriptiones vestras si præsens vel futurus Bibliothecarius quisquam vester observare detrectaverit, vel neglexerit; munus illius de vestra electione in aliam aliquam idoneam personam conferatur; qui conditiones has et in se recipere, et fideliter perimplere voluerit.

Placeat vobis, ut Gratia hæc modo lecta de Bibliotecâ et Bibliothecario vestro vim statuti habeat in perpetuum, et infra decem dies proximè sequentes in libris Procancellarii et Procuratorum inscribatur.

Mar. 6^o.De Commemo-
ratione Bene-
factorum.

1667. 52. Cum in Statuto Academiæ de commemo-
ratione Benefactorum, nonnullorum nomina
omissa fuerint; alii autem citra illud tempus
Benefactorum numero accesserint: Placeat vo-
bis, ut eorunt omnium nomina catalogo inse-

A.N.

rantur; et ne hac insertione tumultuaria com-
memorationis ordo violetur, aut ipsa nimis pro-
lixia evadat; commemoratio tota recognoscatur,
et in luculentum ordinem, ea, qua par est, brevi-
tate redigatur: illudq. negotiam Dno Procan.
Doctoribus Fleetwood, Boldero, Gunning, Dil-
lingham, Pearson, Widdrington, et duobus Pro-
curatoribus, sive illis omnibus, sive illorum
quinq. aut quatuor demandetur; et commemo-
ratio ita recognita ante festum D. Johannis Bap-
tistæ vobis repræsentetur.

Jul. 3°.

1668. 53. Placeat vobis, ut commemoratio Benefacto-
rum Academiæ in hanc formam redacta, interpo-
sitis istis verbis [the first of our present Col-
leges] proxime ante mentionem Simonis Moun-
tague, secundum decretum vestrum 6^o. die Mar-
tii, 1667 factum, deinceps die Dominico tamen
ante Magna Comitia, quam tertium Novembris
post concionem publicè recitetur: et ut hoc de-
cretum vestrum statuti vim et locum obtineat;
et intra viginti dies Procancellarii atq. Procura-
torum libris inseratur.

De Commemo-
ratione Bene-
factorum.

Jan. 22,

1673. 54. Placeat vobis, ut (quod olim per regia sta-
tuta in usu fuit) viri sexagenarii cum plurimis
senectutis incommodis configentes, ab omni-
bus publicis exercitationibus (præter eas quæ
ad Gradum suscipiendum requirantur) deinceps
liberati, gratiæ jam vestrie pro tam immenso
beneficio ex asse obarentur.

De Sexagena-
riis.

Oct. 25°.

1680. 55. Cum vox sit et consensio omnium plurimum
referre, ut disputationibus Sophistarum in scho-
lis publicis peragendis, gravior aliquis et in

De Moderato-
ribus inter So-
phistas.

A N.

literis proiectior deinceps præsit moderator: Placeat vobis, ut sortilegio de M^o. Jacobo Barnard ē Coll. Regali, M^o. Tho. Brown Coll. Joan. et M^o. —— Smith ē Coll. Trin. a Procuratoribus, præsente Duō Procancellario, facto, declaretur, qui duo horum huic muneri (non tamen ultra duos proximè sequentes terminos) præficiantur, Authoritate in scholis, Procuratoribus absentibus, Procuratoriæ pari communiti. Quodq. hisce de honesto stipendio prospiciatur; vobis porro placeat, ut quisq. ad Baccalaureatum in Artibus infra annum sequentem promovendus, juniori Procuratori solvat quatuor solidos inter dictos Magistros, æquis portionibus dividendos.

Oct. 10°.

Iidem Moderatores per biennium.

1681. 56. Cum M^r. Tho. Brown Coll. Joh. et Mr. —— Smith Coll. Trin. officio Moderatororum in Scholis Sophistarum optimè hucūsq. functi fuerint: Placeat vobis, ut in annum sequentem eidem muneri præficiantur, eodem stipendio, sub iisdem legibus et conditionibus.

Jul. 5°.

De libris Procuratorum.

1682. 57. Cum Procuratorum libri longinqua vetustate et quotidiano usu plurimis in locis erasi fuerint et mutilati: ut nec usui, nec honori Academiæ commodè poterint inservire. Placeat vobis, ut de novo conscribantur in pergamena, et sic conscripti deornati catenis, bullis et retinaculis exornentur: Et ut hæc concessio vestra curæ Procancellarii, Doctorum Spencer, Blythe, Cooke, Brady; Magistrorum Banbrigg, Bilers; et Procuratorum pro tempore existentium exequenda demandetur.

This Grace is
repeated Feb. 5,
1685.

A.N.

Jul. 2,

1684. 58. Cum par sit et æquum, atq. etiam ē dignitate Academiæ, ut elegantissima Facultas, Musica, suum quoq. haud secus ac cætera, Professorem habeat: Placet vobis, ut Senatus authoritate constituatur Musices Professor; atq. ut ornatis- simus vir D^r. Stagins hac vestrâ Gratia in illud munus ritè electus, nomine et titulo publici ves- tri in Musicâ Professoris insigniatur.

Ex Lib. Gratiar.

Jul. 4°.

1684. 59. *Orders & Rules agreed upon by the Syndicks for the better securing the Publick Li- brary.*

These Syndicks
were appointed
by a Grace
Jan. 30, 1683.

1st. That all persons, except foreigners, be prohibited the use of the publick Library, unless they first take the following oath. Jurabis quod in bibliothecam publicam admissus, nihil, quod ad ipsam pertinuerit, sciens volens corrumpes, aut imminues: nullum librum permutabis, au- feresve; aut ipse per te, aut per alium quemvis, nisi eo modo, iisq. conditionibus, quæ per Uni- versitatis decreta requiruntur: quodq. sis jure isto tuo sincerè et bona fide usurus; atq. omni- nò ità ut (quantum in te est) nihil inde accrescat bibliothecæ damni: Ita te Deus adjuvet, et sanc- ta Dei Evangelica.

Juramentum
hoc isti, quod
Gradibus com-
petit, ascrip-
tum erat per
Gratiā Mar.
19^o. 1690.

2^dy. That no person, except such as are present members of the Senate, or shall be at the next Commencement, or except such as are actually Batchelors of Law or Physick, or shall be at the Commencement, be admitted to the said oath, unless a Grace first pass the House for his admittance to the Library.

STATUTES, &c.

A.N.

3^{dly}. That none under the Degree of A. M. LL. B. or M: B. be permitted to put up such Grace.

4^{thly}. That no foreigner be permitted the use of the Library without such a sponsor, as the V. Chancellor for the time being shall allow of.

5^{thly}. That no one shall borrow any book without express leave from the V. Chancellor for the time being or his lawfull deputy; & a note under his own hand, expressing the name of the book or books so borrowed. The books so lent to be returned within one month. The under library-keeper, or some other person to bring the note to the V. Chancellor for that purpose.

6^{thly}. That the library-keepers shall have a book, wherein they shall set down the names of what books are lent out, & to whom, & for how long.

7^{thly}. That the V. Chancellor or his deputy, with others, that he shall call to his assistance, do every year (or oftener if he shall think fit) in the long vacation visit & survey all the books in the library by the classical catalogue; & in case they find any book wanting, deduct so much out of the library-keeper's salary as will be sufficient to purchase the like again for the library, according to a decree made by the University in the year 1667.

8^{thly}. That every one, who in the opinion of the library-keeper shall return any Book considerably soiled, blotted, or defaced, stand obliged to buy a new book of the same kind, or else to pay double the value of such book; &, if he refuse so to do, that he be ipso facto deprived of

STATUTES, &c.

A.N.

the use of the library for ever by the V. Chancellor declaring him to be so at the next Congregation.

HEN. JAMES, Procan.

Ral. Cudworth	Ja. Johnson
Jo. Coppleston	Jo. Richardson
Jo. Spencer	Hum. Babington
S. Blithe	Joh. Wooton
Jam. Peachell	Jo. Gostlin
Nath. Coga	Jo. Billits
Joa. Ekins	Tho. Smoult
Jo. Balderston	Ben. Pulleyh
Rob. Brady	Cha. Beamont
Hum. Gower	Jos. Beamont.
R. Widdrington	

Confirmed by Chris^r. D. of Albamarle, Chancellor.

Feb. 19^o.

1695. 60. Cum is qui in publicis Comitiis in disputacione Theologicâ Respondentis vices pro Gradu Doctoratus gerit, lauto convivio Academicos aliosq. excipere antiquo more teneatur, cuius convivii sumptus ingens multos a respondendo ita deterruerit, ut publica Comitia jam in desuetudinem fere abierint: Placeat vobis, (quo melius Academiæ honori in posterum hac in parte consulatur) ut, quicunq. deinceps in publicis Comitiis Respondentis in SS. Theologiâ pro Gradu Doctoratus vices sustinuerit, ultra 40 libras in dictum convivium expendere non teneatur; sed ut sumptus cæteri ē Cautionibus suppedimententur: ita tamen, ut præter dictas 40 libras

De sumptibus
moderandis in
magnis Com.

Repealed Oct.
10, 1698.

A.N.

summa cæterarum omnium expensarum 60 libras
non excedat.

Jul. 3,

De Stipendio
Commissarii.

1696. 61. Cum nullo prorsus stipendio, præter pauca admodum emolumenta, Commissarii officium muneretur; et desideretur plerumq. qui in Foro judiciali Dno Procancellario (quotiescunq. eidem Procancellario visum fuerit) assideat: Placeat vobis, ut Gulielmo Pashley vestræ curiæ Commissario, et assessario muneri non impari, in futurum utriusq. officii subsidium, ē communis cistæ viginti minæ annuatim erogentur, durante beneplacito Academiæ.

Mar. 19,

Ne Angli trans-
fuges sint hic
Doctores.

1696. 62. Cum iisdem Gradibus, quos in exteris Academiis immaturè præripiunt, apud hanc exornari iniquissimè affectent nostratum complures: Placeat vobis, ut Anglis hisce transfugis ad Doctoratus dignitatem omnis præcludatur aditus: nisi facultatis, quam profitentur, Gradu inferiori apud vos, Oxonienses, aut Dublinienses prius suscepto, filiorum jus aliquatenus consequantur: Utq. hoc decretum vestrum Procuratorum libris inscriptuni pro perpetuo statuto habeatur.

Oct. 10,

De jure Suffra-
giorum.

1698. 63. Cum ortæ sæpiùs ob controversum suffragiorum jus offensæ, litesq. gravissimæ, certius aliquid de iis statui, postulare videantur: Placeat vobis ut nulli, aut Theologiæ Baccalaurei, aut Artium Magistri, sive in propriis, sive in conductis ædibus, sive in Collegio aliquo commorantes, atq. ibidem in tabulis nomina sua bona fide non habentes, apud vos in posterum jure suffragii fruantur; nisi qui per sponsores idoneos, a Dno Procancellario coram Academiæ

AN.

Registrario approbandos, omnia exercitia Grādui et Facultati suis competentia, tum in templo B. Mariæ, tum in scholis publicis se præstare pollicentur; neq. ut ad hoc jus admittantur, nisi peracto integro trium mensium spatio, post datam Dno Procancellario hac in re fidem: utq. hæc Gratia vestra legis vigorem obtineat, et Procuratorum libris inscribatur.

Oct. 10°.

1698. 64. Cum declamationes et disputationes Bacca-laureorum in scholis publicis habitæ, videntur operam et autoritatem Magistri alicujus postulare; Placeat vobis, ut ad munus et officium Moderatorum in scholis Baccalauureorum consti-tuantur Moderatores in scholis philosophicis: et quo iis de honesto stipendio prospici possit; Placet vobis insuper, ut quisq. Inceptor in Artibus ante admissionem suam, tres solidos seni-ori Procuratori in usum dictorum Magistrorum teneatur solvere.

De Moderatorib. in scholis Baccalaureis.

Jan. 11°.

1700. 65. Cum in maximum Academiæ detrimentum penè cesserat Licentiarum, quas vocant, vina-riarum alienatio, a nostratisbus sæpius facta: Placeat vobis, ut quicunq. in Oinopolam Aca-demicum posthac eligetur, munus illud, sub pænâ ejusdem penitus amittendi, se in propria suâ personâ bona fide executurum, spondere teneatur: Utq. hæc concessio vestra statuti vi-gorem obtineat, et in Procuratorum libris in-scribatur.

De Licentiis Vinariis non alienandis.

Apr. 28,

1704. 66. Placeat vobis, ut in stipendum Organistæ Academici, viginti minæ è communi cistâ annua-tim erogentur; prima ejusdem solutione à festo

De Stipendio Organistarum.

STATUTES, &c.

262

A.N.

sancti Michaelis proximè elapsi præstanda : Utq. etiam Tho. Tudway, Musices Baccalaureus, propter eximiam in ea arte peritiam, dicti Organistæ Academici titulo insigniatur : qui festis solennioribus ad assignationem Dñi Pro cancellarii hymnum canendum curet : ita tamen ut Johannes Bowman singulis diebus Dominicis, cæterisq. festis organa tractare perget, assignatumq. stipendium solus percipiat.

Feb. 8,

Gratia in 2
Congregationi-
bus recitandæ.
V. Sup.

1716. 67. Cum Senatus dignitas gravitasq. omnino postulare videantur, ut nihil nisi deliberatum, omniumq. judicio perpensum vestræ autoritate sanciatur : Placeat vobis, ut omnes in posterum rogationes sive Gratiae (iis tantum exceptis, quæ ad Gradus ex veteri more pertinent) in duabus Congregationibus ante inita suffragia publicè recitentur. Si quæ vero aliter latæ et concessæ fuerint, eæ viribus cassæ, irritæq. habeantur : atq. ut vestrum hoc decretum statuti vim obtineat, et intra decem dies Procuratorum libris inscribatur.

Feb. 11,

Concio ad Cle-
rum in die Ci-
nerum,

1718. 68. Placeat vobis, ut, ad dies Cinerum solennius in posterum observandos, eorum aliquis, qui Gradum Baccalaureatis in sacrâ Theologiâ suscepturi sunt in festo Divi Barnabæ proximè sequenti, quotannis teneatur concionari ad Clerum ad assignationem Dñi Procan. pro tempore existentis : et ut hoc decretum vestrum Statuti perpetui vigorem obtineat, et in Procuratorum libris infra quindecim dies inscribatur.

Feb. 11°.

Concio in die
crucifixionis.

1718. 69. Placeat vobis, ut feria solennis Dñi nostri cru-

A.N.

cifxi inseratur in futuris concionatorum combinationibus : et ut ejus cursus omittatur in combinatione proximâ, qui, rogante Procancellario concionaturus fuerit 27^o. Martii hujus anni.

Mar. 6^o.

1718. 70. Placeat vobis, ut ad dies infra dictos solennius observandos, Præfecti Collegiorum pro more antiquo quotannis concionari teneantur 30^o die Jan. et 5^o. die Nov.; et ut reliqui Doctores in sacris teneantur itidem concionari 29^o. Maii, et 1^o. Aug. (vel die regiæ inaugurationis) incipiendo a senioribus, et sic progrediendo ad juniores, sub pænâ quinq. librarum, eis solvendarum, qui ad assignationem Procancellarii, vices illas concionandi suppleverint.

Dec. 14^o.

1721. 71. Cum pro Regis serenissimi munificentia, tantâq. Bibliothecæ publicæ facta inde librorum accessione; tam Academiæ dignitas, quam officii ipsius magnitudo postulare plane videatur, ut præter Bibliotecarium, quem hactenus unicum hubuistis, (brevi jam eligendum, solitoq. stipendio dignandum) alter etiam superioris ordinis tanto muneri præficiatur: Placeat vobis, ut Reverendus vir Conyers Middleton S. T. P. fide, moribus, doctrinâ spectatissimus, in perpetuum vestræ erga eum benevolentiae testimonium, Proto-bibliothecarii munere primus honestetur: Utq. stipendium annum quinquaginta circiter librarum a Syndicis infra dominatis constituendum habeat: Utq. omnes deniq. Proto-bibliothecarii eodem modo in posterum elegantur quo Dñus Procancellarius. Syndici sunt Dñus Procan. Doctores Jenkins, Savage, Magistri Tillotson, Bursford, Banyer.

De concionibus
in 30^o. Jan. 5^o.
Nov. 29^o. Maii,
et 1^o. Aug.
V. inf.

De munere et
stipendio Pro-
to-bibliothec.

A.N.

Dec. 20^o.

1721. 72. The Syndics appointed to consider what salary shall be paid to your principal librarian, & in what manner it shall be raised without burthening the common chest, have come to the following resolution, which they now lay before you for your approbation & confirmation.

That fifty pounds per An. be paid in four quarterly payments, by the V. Chancellor for the time being to your principal Librarian, out of the common chest; which is proposed to be replaced after the following manner.

1st. That 40^o. beyond the usual Fees be paid to the senior Proctor by every one, that subscribes in the Register's book under the title of *Oxonenses et alii incorporati*.

2^{dly}. That 20^o. beyond the usual Fees be paid to the Junior Proctor, by every one that subscribes in the Register's book under the title of *Baccalaurei ad Baptisam*, excepting the Fellows of Kings College.

3^{rdy}. That from henceforward, every person not bringing a Certificate from the Master, or Locum Tenens of his College, that he did on or before the 1st. of Feb. in his fourth year, declare to him in writing, that he did not intend to proceed in his Batchelor of Arts Degree; shall before his admission to a Batchelor's Degree, either in Law or Physick, pay three pounds beyond the usual fees to the Senior Proctor: And that every person proceeding in his Batchelor of Arts Degree after such declaration, shall pay the same sum beyond the usual fees to the Junior Proctor.

4^{thly}. That every person coming from the Uni-

A.N.

versity of Oxford & Dublin, not having kept the Majority of his Terms here, shall before his admission to a Batchelor's Degree, either in Law or Physick, pay three pounds beyond the usual fees to the Senior Proctor.

5^{thly}. That every person proceeding to the Degree of Doctor in Divinity, not being before Bachelor in that Faculty, shall pay 40^s. beyond the usual fees to the Senior Proctor.

Lastly, that every person before his admission to any Degree in any Faculty, at an extraordinary Commencement, shall pay 20^s. to the Senior Proctor.

That all these payments be accounted for by the Proctors to the V. Chancellor at his audit, for the benefit of the Common Chest.

Lect. et Conces. Dec. 23, 1721.

Dec. 16,

1721. 73.

Singuli in Artibus quotannis Incepturi About Hudling, jurant se privatas suas cum Artium Magistro disputationes juxta tenorem Gratiae sequentis prius præstisset, quam admissionem ad dictum Gradum obtinere possunt.

Cum dies ad Philosophicam disputationem in regiis statutis assignati, non sufficient Incepturis hoc anno in Artibus ad Actus suos scholasticos peragendos: Placeat vobis, ut autoritate vestrâ liceat iisdem, singulis diebus profestis cuiuslibet septimanæ in Termino cum Magistris Artium disputare, tam in scholis Dialecticis et Philosophicis, quam in Juridicis, ab hora 7^{ma}. ad 9^{ma}. et a 9^o. ad 11^{ma}. matutinam; et ab hora 1^o. ad 3^o. et a 3^o. ad 5^{ma}. pomeridianam: ita tamen ut Procuratorum alter per se, vel aliquis Regens per

STATUTES, &c.

266

A.N.

ipsum deputatus intersit; ejusq. disputationis ita habitæ idoneos testes habeant singuli; quorum sex ad minimum sint Baccalaurei, qui in habitibus suis toto tempore interfuerunt, alioquin hujusmodi disputatio pro nullo habeatur.

Placeat vobis, ut hæc Gratia lecta et conces. Dec. 16, 1684, de anno in annum sit perpetua.

Dec. 16,

About Hudling. 1721. 74.

Singuli quotannis tam in Artibus Incepturn, quam Quæstionistæ, jurant se in peragendis privatim exercitiis Gratiam sequentem ad amussim observasse.

Cum tempus adeo breve sit ad Quadragesimam, ut Questionistæ et Incepturn hujus anni vix commodè exercitationes suas perficere queant: Placeat vobis, ut liceat iisdem in suo grege disputare et declamare quolibet profesto die, tam extra Terminum, quam in Termino, temporibus idoneis per Dños Procuratores assignandis: sic ut unus Moderatorum semper intersit; et quæstiones disputandæ valvis scholarum solito more affigantur: et ut duodecim Sophistæ singulis disputationibus Sophistarum præsentes sint, et sex Baccalaurei Declamationibus Baccalaureorum.

Placeat vobis, ut hæc Gratia lecta et conces. Dec. 16, 1684, de anno in annum sit perpetua.

Mar. 1,

**De Graduandis
in Medicina.**

1721. 75. Mem. in frequenti Senatu unanimi consensu decretum est, ut nemo in posterum, nisi quem legittimus et annorum et studiorum decursus

A.N.

comendaverit, ad quempiam in Medicinâ
Gradum admittatur.

This was done at the request of the Coll.
of Physicians, & signified to them under
the University seal.

Ex Lib. Gratiar.

Oct. 13^o.

1722. 76. Cum antiquis mos præsentandi Taxatores, secundum formam Statuti Academiæ in hac parte editi, per multos retro annos non ritè observatus fuerit: Placeat vobis, ut in posterum singula Collegia Taxatores, anno à præsentandis Procuratoribus proximè subsecente, ante primum diem Septembris Dño Procancellario præsentare teneantur, sub pæna decem librarum cistæ communi applicandarum Collegio isti, a quo præsentatio prædicta omissa fuerit, infligenda: et ut hæc concessio vestra vim statuti obtineat.

Apr. 5^o.

1723. 77. Cum ad tollendam dissidii materiam, quod inter Academicos et Oppidanos de Redditibus censendis, oriri posset; ab omnibus, qui utrinq. nuper convenerunt, Commissionariis concordatum fuerit, si vester accederet consensus; ut ad summam 1423l. 01'. 06¹/₄ conficiendam; quæ summa Academiæ et Oppido pro hoc anno conjunctim irrogatur, Academia se quinquaginta libris oneraret; reliquum Oppidani in se susciperent: utq. iteratus, qui in priorum defectum supplementum habendus est, Census pari ratione penderetur ita scilicet, ut é viginti et octo partibus summæ deficientis, Academia paulò minus quam unam persolveret, reliquos viginti et

De Taxatoribus
præsentandis.

De regio recti-
gali, ab Acade-
mia et Oppido
solvenda.

A.N.

septem, cum additamento, Oppidani: et deniq. ut, hanc proportionem gratam in posterum ambo bus fore, communibus utrinq. sigillis confirmaretur. Placeat vobis, ut hujusmodi concordatio rata sit; utq. commune vestrum sigillum scripto ad hoc obligatorio affigatur.

Mem. Jan. 20th. 1723, the University signed a Petition to Parliament to confirm this agreement.

Ex Lib. Gratiar.

Jan. 21°.

*De Cautionibus
forisfaciendis.*

1725. 78. Cum Academiæ nostræ statuta postulent, ut varia exercitia peragantur, antequam Gradus suscipi possunt, cumq. qui Gradus ambiunt, a vobis crebrò petant, ut admissiones suas obtineant; si cautionem realem, se sua exercitia intra Terminum proximè sequentem peracturos, in manus Procancellarii deponunt: hoc autem concesso, novas petitiones fabricentur, ut ulteriùs differantur exercitia: Placeat vobis, ut nullus sit ejusmodi petitionibus in posterum locus; sed pecunia in manus Procancellarii deposita cistæ communi statim applicetur; nisi exercitia, quæ singuli præstare teneantur, intra Terminum eorum admissiones proximè sequentem peragan tur.

Mai. 11°.

*Statutum de
compositione,
juramentis ad-
jiciendum.*

1726. 79. Cum per statuta regia cautum sit, "ut omnes quorum annuus redditus est ad valorem 40 Marcarum, præter stipendia, quæ habeant a Collegiis suis, aut ab Academia ratione aliqui jus Lecturæ, ad Gradum aliquem scholasti cum promovendi, dabunt Cancellario, Procuratoribus, reliquisq. Officiariis togas solito more Academiæ, aut cum his component

A.N.

“rationabilitē.” Cum vero statutorum vestrorum per pauca adeo sint exempla, ut manibus vulgi Academicī minimē terantur; ideoq. fortasse aliquando inveniantur ii, qui pro consuetudine hoc potius, eāq. non prorsus approbanda, quām pro statuto interpretari velint, in grave Officiariorum vestrorum dispendium: Placeat vobis, ne quid vel per eorum qui ē gremio Academicæ fuerint incuriam; vel eorum qui aliunde hūc Gradibus petendis accesserint inscitiam, in hac parte in posterum peccetur; ut Statutis, in singulis Admissionibus legendis, post paragrapnum, *Singuli insuper qui hīc Gradum aliquem subituri sunt, &c.* Statutum etiam hoc subjugatur: Et ut concessio hæc vestra pro decreto perpetuo habeatur, Dñi Procancellarii et Procuratorum libris intra quindecem dies inscribenda.

Jun. 27°.

1726. 80. Cum Incolæ hujus oppidi tēr singulis hebdomadis tam plateas quam angiportus ejusdem ab omni cæno cæterisq. sordibus purgare teneantur; et tamen (nullo qui hanc rem inspiciat a vobis constituto) id neutiquam faciant: Placeat vobis, ut præficiatur huic negotio Robertus Nicolson; atq. ut stipendum 40 solidorum ē cista communi annuatim accipiat, durante beneplacito Academiæ.

De mundandis
Plateis.*Ex Lib. Gratiar.*

Dec. 16°.

1731. 81. Cum Quæstionistarum et Sophistarum disputationes in Termino Quadragessimali peragendæ hactenūs vel penitus neglectæ fuerint vel perfunctoriè præstitæ in juventutis Academicæ damnum, et contra mentem statuti: Placeat

De Disputatio-
nibus in Ter-
mino Quadra-
ges.

A.N.

vobis, ut dicta exercitia, tamen Quæstionistarum in quadragessima stantium quam Sophistarum, iisdem diebus et eadem formâ habeantur, prout in Terminis post Pascha, et festum Sancti Michaelis: cumq. insuper necesse sit ut predictis disputationibus præsent Moderatores; Placeat vobis, ut eisdem Moderatoribus stipendium (uti in aliis Terminis) è communi cista assignetur: et ut quilibet, in posterum in Magistrorum vel Baccalaureorum Artium ordinem cooptandus, duos solidos huic usui impendendos cistæ communi persolvere teneatur.

Mai. 8°.

De iis, qui surripuerint cadavera defunctorum.

1732. 82. Cum sepultorum cadavera è cæmetriis sæpiùs furtim surrepta fuerint, ad gravem pluriñorum offensionem: Placeat vobis, ut quisquis in posterum è cæmeterio cadaver aliquod surripuerit, vel ita surreptum celaverit infra limites Academiæ, postquam legittimè convictus fuerit coram Procancellario, si Scholaris sit nondum graduatus, suspendatur a Gradu capessendo per biennium ultra consuetum tempus; si vero sit Graduatus, Gradu suo privetur; sin Scholarium gaudeat privilegio, in perpetuum privilegium suum amittat.

Oct. 10,

De Scholaribus
in alia Coll. de-
migrantibus.
Vid. Sup. et inf.

1732. 83. Placeat vobis, ut si quisquam Scholaris infra Gradum Magistri in Artibus transtulerit se ab alio Collegio in aliud, nisi priùs impetratis literis sub Chirographo Magistri Collegii, Decani, et Prælectoris, testantibus de honestâ suâ et laudabili conversatione, persolvere teneatur quinq. libras collegio, a quo secesserit, et quinq. libras cistæ vestræ communi.

A.N.

Maij 23°.

1733. 84. Ad præcavendam omnem infamiam, quam Academia pati potest, si temerè Gradus immarentibus conferantur: Placeat vobis, ut si quis in posterum petat à vobis Gradum aliquem, postquam ejusdem supplicatio suffragiis vestris fuerit rejecta; Præfecto uniuscujusq. Collegii, aut ejus vices gerenti intentionem suam supplandi pridie Congregationis, in quâ supplicaturus est, in scriptis notam faciat; quod, si omissum fuerit, omnis ad Gradum aditus pro hac vice præcludatur.

Maii 21°.

1734. 85. Cum ad Academiæ dignitatem pertineat, ut exercitia per statuta requisita ritè peragantur: Placeat vobis, ut si quis ordine suo juxta Statutum de Disputationibus Theologorum non responderit, singulis Omissionibus, præter mulctam a Statuto præscriptam, primâ vice viginti solidis, secundâ vice quadraginta solidis, tertiâ, et singulis deinceps vicibus quatuor libris mulctetur, quæ novæ mulctæ Dno Procancellario in usum cistæ communis solventur.

Ex Lib. Gratiar.

Mar. 19,

1740. 86. Cum jam per plurimos annos Tripodes, ut vocantur nimiâ licentia usi fuerint in orationibus suis, Placeat vobis, ut ad antiquam Academiæ modestiam, honorem, et gravitatem restituendam, Comitia quadragessimalia in posterum in senaculo habeantur, vel ubicunq. visum fuerit Dno Procancellario pro tempore existenti; ibiq. fiant solennia senioritatis Baccalaureorum præconia; et ut Procuratores, Vice Procura-

▲N.

tores aliiq. omnes ibidem disputaturi veterem Academiæ formam et consuetudinem in exercitiis praestaudis servent; quæstiones suas tractent serio et philosophicè, idq. latinè tantum: neminem omnino cujuscunq. ordinis aut gradus jocis scurrilibus aut dicteriis illiberabilibus perstringere aut illudere audeant: quiq. secùs fecerit, Placeat vobis, ut hac vestrâ authoritate et sententiâ (quam in libris Dñi Procancellarii et Dñorum Procuratorum intra quatuordecim dies postquam lata fuerit inscribi jubeatis; statutivm et vigorem perpetuò inde habituram) ipso facto ab omni gradu suscepto suspendatur, et a suscipiendo præcludatur.

Ex Libro Gratiar.

Feb. 1,

Licentia vina-
ris deputatis
non commit-
tendæ.

1744.

Cum plurima evenire possint Academiæ incommoda, si ii, quibus vinum vendendi licentia (uti vocatur) fuerit concessa, per ministros suos aut deputatos Ænopolæ officium exequi, vel aliis mercede pactâ delegare permittantur, Placeat vobis, ut quilibet, cui in posterum hujusmodi licentia a vobis concedatur, Ænopolæ munus in propriâ suâ personâ exequi, et in tabernâ suâ vinariâ continuo habitare teneatur: Et si quis hoc decretum in aliquo violaverit, et hujusmodi violationis coram Procancellario legitimè convictus fuerit, licentia illi priùs a vobis concessa ipso facto irrita sit, et pro nullo habeatur; et ut aliis in locum delinquentis infra quatuordecim dies a tempore convictionis hujusmodi continuè numerandus eligatur.

Placeat etiam, ut quilibet, qui in posterum ad officium Ænopolæ eligeretur, statim post electionem ipsius in plenâ congregazione regentium et

A.N.

non-regentium chirographo in mille libris sterlingorum Academiae persolvendis ad hujusce decreti observationem obligetur; alioquin electio ipsa, virtute hujus ordinationis, cassa sit atq. irrita. Placeat porro, ut literarum vestrarum patentium *Aenopolis* in posterum concedendarum tenor sit istiusmodi,

—‘ Sciatis, quod nos A. B.— ordinamus
‘ et assignamus C. D. unum ex quatuor
‘ Tabernariis nostris.—Concedentes eidem
‘ C. D. facultatem et licentiam ad bene-
‘ placitum nostrum tantummodo duraturam
‘ vina vendendi,—pretiis per nos de tem-
‘ pore in tempus assignandis,—et quamdiu
‘ tantum praedictus C. D. Tabernarii mu-
‘ nus in propriâ suâ persona executus fue-
‘ rit, et in tabernâ suâ vinaria habitaverit.’

Ex Libro Gratiar.



**Si quid dubii vel ambigui in istis Statutis et sanctionibus
nostris oriatur; id per Cancellarium et majorem partem
Præfectorum Collegiorum explicabitur et determinabitur;
quorum determinationi et Interpretationi reliquos omnes
cedere volumus.**

V. Stat. Eliz. Cap. 50. in fine.



INTERPRETATIONES STATUTORUM.

A. D.

Jun. 11°.

1574. 1. CUM in statutis regiis capite octavo contineatur, ut qui voluerit esse Baccalaureus in Theologia bis disputet contra Baccalaureum Theologiae: et jam dubitatur, an duas oppositiones contra Magistrum in Artibus in quæstionibus Theologicis, juxta ordinem statuti in 26°. capite expressum, sufficient ei, ac si cum Baccalaureo Theologiae disputasset: Hanc dubitationem tollentes, 11°. Jun. 1574, Tho. Bing, L. L. D. venerabilis viri Jo. Whitgift, S. T. P. V. Cancellarii Deputatus, D^m. Hawford, May, Chadderton, Harvey, Ishell, et M^r. Legg sequentes tenorem, vim, et sensum statuti in capite 8^o. et 26^o. declaraverunt, censuerunt et interpretati sunt, octavum caput sic intelligendum et interpretandum, viz. quod hujusmodi disputationes Theologicæ, factæ et habitæ contra Magistros Artium, juxta ordinem dicti statuti

De Disputationibus pro gradu S. T. B.

A. D.

in Capite 26º. tam prosunt Disputanti et Opponenti ad Gradum Baccalaureatus in Theologiâ obtainendum, ac si cum Baccalaureo Theologiae disputasset.

Mar. 26º.

De Gratiis
concedendis.

1575. 2. Cum interpretatio, explicatio et determinatio ambiguorum omnium et dubiorum, quæ aliquando in statutis, Academias orta fuerint, virtute eorundem statutorum ad Cancellarium et maiorem partem Præfectorum Collegiorum pertineat; ac in calce, sub titulo **De Gratiiis concedendis**, sic habetur, “decernimus, ut nulla Gratia, quæ proponetur in scholis, dispensationem habeat quamcunq. et si secus fiat, Gratiam illam irritam et inanem esse volumus,” quæ verba a multis variè accipi solent: nonnulli enim de Gratiiis illis tantum, quæ proponuntur pro Regimine, Lectionibus, negotiis, et aliis causis publicis Universitatis intelligere volunt: Alii ad exercitia scholastica, et temporum diuturnitatem, quæ in Gradibus suscipiendis fieri jubentur, illa verba trahunt: sunt portò qui Gratias quidèm omnes hisce verbis complectuntur; verum quæ pro Gradu peti solent, eos tantum astringere, qui in Universitate commorantur; alios autèm qui nuper hîc studuerunt, ac per Graduum susceptionem specimen eruditionis suæ dederunt; sed nunc extra Universitatem vitam degunt, sub illis verbis, ex æquitate legis, non contineri putant: Quorum dubitationem tollere cupientes, mentem legislatoris potius quam ipsum verborum corticem secuti; cum benignius leges sunt interpretandæ, quo voluntas earum conservetur (voluntas enim et ratio legis esse videtur, ut digni et

▲. D.

non alii ad Gradus admittantur.) Nos Will. Cecilius Miles, D^r. Burgley, summus Thesaurarius Angliae, et almæ Universitatis Cantab. summus Cancellarius, ac Præfecti Collegiorum ibidem, quorum nomina subscribuntur, maturo et deliberato judicio posteriorem sententiam amplectentes, interpretationem nostram hoc modo interponimus et declaramus: Nullam viz. dispensationem in Gratiis concedendis admittendam esse sive in aliquo negotio Universitatis, sive in aliquo Gradu concedendo his qui in Universitate moram habent: cum aliis vero qui alibi vixerint, ac aliquando in Universitate literis ac aliis exercitiis scholasticis incubuerint, ac Gradu Magisterii Artium, sive Bac. Juris aut Medicinæ insigniti sunt, quorum doctrina ac vitæ probitas Academie nota est; per quæ etiam non nulli ad dignitatem ac functionem ecclesiasticam, vel civilem in republicâ pervenerint; quoniam plerumq. variis suis negotiis impediti examinationi literariæ per statuta requisitæ interesse non possunt, post exactum tempus ab hujusmodi Gradu suscepto in statutis præfinitum, dispensari potest: Ita tamen, ut hujusmodi dispensatio non antea Capiti proponatur admittenda, quam consensu majoris partis Prælectorum Collegiorum, nec non majoris partis omnium Doctorum in eadem Facultate in Universitate tunc præsentium per manum suarum subscriptionem approbetur. Et qui fuerint ita admissi proximis Comitiis intersint, ac in Collegio aliquo juxta Academie consuetudinem convivent. Aliter concessa Gratia sive dispensatio juxta tenorem ejusdem statuti omnibus suis viribus carebit.

The Manner of
this subscrip-
tion.

V. inf.

STATUTES, &c.

A. D.

Datum 26^o. Mar. Anno Regni Eliz. Dei
gratiâ Anglie, Francie, et Hib. Reginae, Fi-
dei defensoris 17^o. A. D. 1575.

Guliel. Burghleius Cancell. Academie.

And. Pern, Procan.	Edw. Hawford
John Whitgift	John Young
Rob. Norgate	Hen. Harvey
Tho. Bing	Roger Goad
Tho. Legg	Tho. Ishell
John May	John Still.
W ^m . Chadderton	

Jan. 31^o.

Quinam No-
biles habeadi.

1577. 3. Quoniam saepenumero solet evenire, ut novis causis emergentibus, novum jus non tam consti-
tutatur, quam interpretando explicari videatur:
(jus enim ipsum, quod recte rationis nomine
censetur, licet ob rerum negotiorumq. varietatem
variè solet applicari, semper tamen unum atq.
idem manet:) et quia in dicto statuto *de Gratiis
concedendis* hæc verba habentur, “ Decernimus,
“ ut nulla Gratia, quæ proponetur in Scholis,
“ dispensationem habeat quamcunq. et si secùs
“ fiat, Gratiam illam irritam et inanem esse vo-
“ lamus: nec ulli concedatur Gratia, ut ejus
“ admissio stet ei pro completis Gradu et For-
“ mā, sub pæna perjurii Procancellarii et eorum
“ qui fuerint in Capite, nisi sunt regiae majestati
“ a secretis, aut Episcopi, aut Nobiles, vel No-
“ bilium filii:” Quibus verbis Nobiles, Nobi-
liusq. filii sic excipi videntur; ut neq. ad tem-
poris certum et præfinitum spatium, neq. ad usi-
tatas Comitiorum cæremoniæ in suscipiendo
Gradibus coarctentur: eaq. de causâ quæsitum

A. D.

est, quousq. Nobilium appellatio producenda sit; opere pretium videbimus facturi esse, si et hujus quoq. causam dubitationis in posterum penitus sustulerimus.

Cum itaq. omnes leges, quibus pœnæ vel præmia decernuntur, personarum meritis, ceu fundamento nitantur; cumq. in bene constitutis civitatibus sempèr fuerit usurpatum, ut non magis pœnarum acerbitas restringeretur, quam præmiorum favor amplificaretur: certe Academicas leges, quæ de literarum, et literatorum hominum præmii sunt positæ, hac communi carere sequitate nefas esset existimare. Quamobrem statuimus, decernimus et interpretando definimus, quod ad scholasticos Gradus suscipiendos attinet, pro Nobilibus omnes habendos esse, non solum qui Barones, aut Baronibus dignitate superiores sunt, verum eos etiam, quicunq. regiam Majestatem conjunctione sanguinis vel affinitate attingunt: modo iisdem quoq. ejusdem dignitatis titulus conveniat, ut vernacula nostrâ linguâ honoratæ personæ i. e. honourable personages sive men, women, or maids of honour possint et solent appellari; nam in ejusmodi hominibus, eorumq. filiis, qui proximos parentibus heredes fore videbuntur, aliasq. idonei habebuntur scholasticis Gradibus exornandis, non necessariò neq. stricè Terminorum ut vocant numerum; neq. usitatas cæmoniarum Comitorumq. solempnitates observari debere existimamus.

Baronets &
Knights are al-
lowed the same
privilege by K.
Ch. 24.

V. inf.

Rich. Howland, Procan.	Ed. Hound
Andreas Pern	Rog. Goad
Tho. Legg	Tho. Bing
Joh. Still	Rob. Norgate.
Tho. Isbell	

STATUTES, &c.

A. D.

Feb. 15°,

1578.

For Matricula-
tion, & Resi-
dence of Scho-
lars.

V. inf.

Whereas there hath & doth yearly arise some controversies & doubts, whether that divers persons that do proceed Batchelors of Arts have fully & wholly accomplished the years & terms required by the statutes of the University to that Degree; & thereupon great contentions have ensued among the Colleges; & some of such persons so proceeding have been charged with perjury; & such as have subscribed to the said Graces have been challenged as subject to the penalties prescribed in the statutes of the University. For the taking away of such controversies & doubts, & for avoiding of such dangers, it was & is the 15th of Feb. 1578, et Reginæ Eliz. 21°. by the Right Worshipfull Mr. Tho. Bing, Doctor of the civill laws, & V. Chancellor of this University, with the assent & consent of his assistants, viz. Dr. Pern, Dr. Hawford, Dr. Chaderton, Dr. Fulk, Dr. Still, Dr. Legg, & Mr. Hound & Mr. Norgate, decreed & order'd, that from thenceforward all persons, that shall proceed in that Degree, shall be certified, tried & judged by the Registers & books of Matriculation of the University, & of the Colleges. And therefore it is by the authority aforesaid order'd & decreed, that every person hereafter coming to the University for study shall within six days next & immediately following his first coming to the town, repair & come unto the Register of the University for the time being, or to his deputy in the absence of the said Register, & cause his name to be enrolled; yeilding & paying to the said Register for the same, if he be in Fellows commons, 2^d, if he be in the Scholers com-

See the Statute
*de Matricula-
tione*, in Gr.
Book, A. D.
1544.

A. D.

mons, or a Sizer or subsizer, a 1^d onely, & no more; & then at the next Matriculation, which shall be kept the first day of every month, if it be not holiday; & then the next working day following shall be presented to the V. Chancellor for the time being; & then & there take his oath & pay his Ordinary: out of the which Ordinaries, the V. Chancellor & Proctors are to be allowed their portions yearly, according to the wonted rate & no otherwise. And if any person neglect or refuse to come within the time aforelimited to have his name inrolled; then such person, untill he be inrolled, not to be reputed as a Scholar; neither his time or years to be accounted, as available toward the taking of the Degree aforesaid. And the Tutor of any v. inf. such person or Scholar to forfeit & pay to the use of the University 6'. 8^d. to be taken & levied by one of the Proctours for the time being.

Item, whereas the Statute concerning the aforesaid Degree requireth quadriennium compleatum, it was & is by the same authority defined, order'd, interpreted, & decreed the day & year abovesaid; that all & singular persons so inrolled, as is aforesaid, before, at, or upon the day when the ordinary sermon ad Clerum is or ought to be made in the beginning of Easter Term, shall be reputed & accounted to have wholly & fully satisfied the Statute, if he shall proceed in the 4th. Lent next following the said sermon. But after that day of the said sermon ad Clerum, if any shall come, then he shall not proceed in the 4th. Lent following.

Item, if any person or persons shall be inrolled as is aforesaid, & afterward depart to his or

STATUTES, &c.

A. D.

their friends; or be sent to some Grammar School, or do not continue in the University; all & every such person or persons shall, during such absence & discontinuance, not be accepted as Scholars of the University; nor such time from his or their iarrollment accounted profitable to or for his or their Degree: & the triall hereof to be made & judged by the Books of the Commons of every College, where any such person shall be received.

Item, if any person or persons so inrolled, or also matriculated shall for a time remain in the University, & then depart or go into the country, & there continue by the space of one quarter of a year or more, such time of his absence from the University shall not be taken or reputed toward the accomplishment of the time required necessary to the said Degree: & this is to be tried by the commons books, as is aforesaid. And therefore the form of their Graces shall be as it was in the old time; ' Supplicat ' Reverentiss vestris A. B. ut duodecim Termi- ' ni completi, in quibus ordinarias lectiones au- ' dierit per majorem partem cuiuslibet Termi- ' ni, unà cum omnibus oppositionibus, respon- ' sionibus, cæterisq. exercitiis per statuta requi- ' sitis, sufficient ei ad respondendum quæstioni.' And if it shall fortune any such to be absent at any time from & out of the University more than half a Term, during the whole time of his four years, either for the Plague being in Cambridge, or for the sickness of himself, or of other of his natural friends, or for any other necessary & lawfull cause; then every such person so absent shall insert in his Grace so exhibited to the

223

STATUTES, &c.

A. D.

University the time & cause of his absence; & so committ the same to the goodliking, and approvement of the University.

Provided, that nothing in this Decree contained touching the time required in the taking the same Degree, be prejudicial unto any of those, who may by the University Statutes be dispensed withall in this behalf.

Apr. 30^o.

1582. 5. Doctor Guliel. Fulk, S. T. P. Almæ Universitatis Cantabrigiæ Procancellarius; Doctores Pern, Bell, Goad, Howland, Harvey, Bing et Legg; et Magistri Tyndall et Barwell interpretati sunt caput de appellando. Quilibet Appellans infra decem dies post datos judices tenetur prosequi appellationem sub pæna cautionis deposit: viginti solidorum, et fædarum, et beneficii appellationis.

Sept. 18^o.

1582. 6. Doctor Guliel. Fulk, S. T. P. Almæ Universitatis Cantabrigiæ Procancellarius, Doctores Bell, Goad, Howland, Norgate, Tyndall, Harvey, Bing, Legg, et Magister Nevile interpretati sunt verba, *post vacationem* in capite 40°. *de Electione Lectorum, etc.* debere intelligi tam *post vacationem* alicujus officii, quam *post vacationem nominationis* ad aliquod officium vel munus in Academiâ gerendum; verbi causâ, si aliquod collegium præsentaverit aliquem ad officium Procuratoris; et is *post primum diem Augusti, et ante decimum Octobris* vel decesserit, aut munus recusaverit, aut minus idoneus reperietur, tum ejus nominatio ad Præfectos collegiorum spectabit, ut illi punctis suis duos Universitati proponant. Idem decretum fuit pro

Noblemen
capted.

De appellatio-
nibus.

De secunda
nominatione
Procuratorum,
&c.

A. D.

electione Scrutatorum et Taxatorum, licet praedicta officia vacua non existant ante decimum Octobris.

Jun. 13^o.

**De assignandis
A. M. qui dis-
present in pub-
licis Comitiis.**

1582.

7. Ad Academiam dignitatem illustrandam cum primis pertinere, ut publicae disputationes ab iis potissimum hominibus tractentur, qui huic oneri preferendo præ cæteris idonei videantur, nemo sane mentis dubitaverit; Quæsitum tamen est nuper, an, si qui ut in publicis forte disputent Comitiis a Procuratoribus rogati recusaverint, ad illud munus subeundum Procancellarii Autoritate cogi possunt. Nos autem, quoniam legibus nostris cautum novimus, nequis ad Gradum aliquem h̄ic admittatur, nisi qui se et Procancellario obedientem futurum, et statuta et consuetudines hujus Academie approbatas observatum, et honorem pro virili aucturum et ornatum esse, conceptis verbis prius juraverit: Idcirco ad hujusmodi controversias in posterum tollendas explicando decernimus, et interpretando constituimus; quoties idonei viri, qui Procuratorum rogatu philosophicas disputationes in publicis Comitiis obituri sunt, non reperiantur; toties ad officium Procan. spectare intelligi, ut quoscunq. Artium Magistros (modo quintum Magisterii annum non compleverint) ad hujusmodi disputationes subeundas pro arbitrio suo possit designare. Si quis autem sic designatus, id quod ei imponitur muneris, exequi neglexerit, tum pro contumaci, nec obediente esse habendum definimus.

Jul. 5^o.

**Who to be
reckoned Com-
pounders.**

1599.

8. Whereas there hath been doubt concerning the true meaning of this statute for Compound-

A.D.

ers, Cap. 49. in hæc verba, ‘ Omnes quorum
‘ annuus redditus est ad valorem 40 Marcarum,
‘ præter stipendia quæ habent a Collegiis suis,
‘ aut ab Academiâ ratione alicujus Lecturæ, ad
‘ Gradum aliquem scholasticum promovendi,
‘ dabunt Cancellario, Procuratoribus, reliquisq.
‘ Officiariis togas solito more Academiæ, aut
‘ cum his component rationabilitèr.’ And where-
as there is this statute, Cap. 50, ‘ Si quid dubii
‘ vel ambigui in istis statutis et sanctionibus nos-
‘ tris oriatur, id per Cancellarium et majorem
‘ partem Præsectorum Collegiorum explicabitur
‘ et determinabitur, quorum determinationi atq.
‘ interpretationi reliquos omnes cedere volumus.’
The meaning of the lawmakers in that statute
seeming directly to provide, that the labour &
pains of the Officers of the University should be
well consider’d of by all such as took Degrees,
& are sufficiently provided for of Livings: & by
due examination the very words and Grammati-
cal sense thereof leading unto that meaning: we
the V. Chancellor & Heads of Colleges do
accordingly interpret & set down by joint con-
sent, that from henceforth all persons coming to
take Degrees in this University, whose Living or
Livings Ecclesiastical of what kind soever, shall
be rated to the yearly value of 40 Marks in the
book of first fruits or subsidy, or whose living
temporal hath been, is, or shall be demised com-
munibus annis at that rate or rent, or that shall
be by common estimation accounted to be
yearly worth the said sum of 40 Marks, shall be
reputed & taken as Compounders. And fur-
ther, we do interpret those words ‘ Omnes quo-
‘ rum annuus redditus est,’ &c. in the same sta-

STATUTES, &c.

A. D.

tuse, to comprehend all those which before their admission or creation shall have presentation, collation, institution, induction, or any manner of Possession of any kind of Living to the value in manner & form aforesaid.

John Jegon, Procan.

Hum. Tyndall	Ja. Mountague
John Cowell	John Overall
Edw. Barwell	John Duport
Lan. Andrews	Law. Chaderton.
Rog. Goad	

The Bedell's
fee for attend-
ing Dises.

9. At the same time & place the statute, by which the new Masters of Arts disputing in Philosophy ordinarily pay to the Bedells every one 5*s.* 4*d.* was viewed & consider'd of by the V. Chancellor & Heads, whose names are here subscribed; who by joint assent & consent did resolve, interpret, determine, & conclude, that the said fee of 5*s.* 4*d.* was, & is as well due in Michaelmas Term from every such M'. of Arts then disputing in ordinary course, as in either of the other two Terms; with the same proviso, that is set down in the said Statute, viz. that if the Number be so small, that it come to any of their turns to dispute the second time before the end of the first year, that then, for that second time they and every of them are freed from any such payment of fee or fees, breakfasts only excepted, which are due by another Statute.

Sam. Harsnet, Procan.

Rog. Goad	John Duport
Hum. Tyndall	James Cowell
Rob. Soame	Tho. Nevile.
Ed. Barwell	

STATUTES, &c.

292

A. D.

Mar. 25°.

1608. 10. Whereas upon these words of the Statute Batchelors of Cap. 21, *de Gratiis concedendis*, viz. "in quibus studuerint in Academiā," & also these words following, "aliter ipsa Gratia nulla sit," doubt hath lately risen, whether actual Batchelors in Arts, before they can be admitted ad incipendum must of necessity be continually commorant in the University nine whole Terms, or else their Grace being obtained is frustrate & of no force: We whose names are here underwritten, for the clearing of all controversies in that behalf, both for the present & hereafter, by virtue of the power which by the Statute Cap. 50 is given unto us to interpret all doubts, do declare & interpret the aforesaid words, as followeth, viz. that those, who for their Learning & Manners are according to statute admitted Batchelors in Arts, are not so strictly tied to a local commorancy, & study in the University & town of Cambridge, but that being at the end of nine Terms able by their accustomed exercises & other examinations to approve themselves worthy to be Masters of Arts, may justly be admitted to that Degree: & the reasons of this Interpretation be these.

First, that a man once grounded so far in Learning as to deserve a Bachelorship in Arts, is sufficiently furnished to proceed in study by himself, and such conference as he may easily have elsewhere, to attain perfection enough not only for a Mastership but higher Degrees also: as experience dayly teacheth.

Secondly, the constant & customary acceptance of the same statute, Cap. 21, by the conti-

A. D.

nual practice from the first making thereof until this present time; no exception, for aught we can learn, ever having been taken until now to any Batchelor, discontinuer; so he sought not the Degree before the full determination of his nine Terms; & sufficiently by his exercises, &c. approved his own worthiness required to the same.

Thirdly, the great use that there is of these young men in the Church, & commonwealth; who, be they never soowardly, by poverty & want of maintenance must be driven to manual trades, or to be fugitives, except they may be sufferr'd by serving Cures, & teaching of Schools to follow their books in the country; & by that means at least be made fit for better places, that otherwise cannot out of our University be possibly stored with learned men.

Fourthly, we are the rather moved to this our interpretation, because we find by the 9th Chap. of our Statutes, that one coming to Cambridge at 24 years of age may commence Batch. in Divinity, if he shall wholly give himself to that study by the space of ten years; (tho not commorant in the University all that time). And also by interpretation upon another point of this statute now questioned, made the 26 of March, 17th of Eliz. it appeareth, that the interpreters thereof, of whom our then honourable Chancellor was cheif, out of their wisdom & judgment found cause rather to favour discontinuers in matter of form & ceremony, than those that are continually resident in the University. Besides if the letter should be strictly urged against all manner of discontinuers, no such

A. D.

Fellows of Colleges as have licence of absence granted them, either to travel beyond the seas, or to be abroad in the country, can enjoy such grant without their prejudice.

Fifthly & lastly, we find that the aforesaid words being literally taken & construed, no Batchelor either by his own occasion, or by common infection in the town, or other necessary breaking up of any College, being absent any part of a Term in the said nine, could be capable of his Master's Degree, were he ever so worthy. Beside the great prejudice to all former Graduates never so antient, against whom there may lye exception by the same reason upon the same words, '*aliter ipsa Gratia nulla sit.*'

And where it may be objected, that this interpretation cant well stand with a former made 21^o. Eliz. 1578, requiring strict continuing in the University, & permitting no time of absence with friends, or in a Grammar School; it is evident by the words of that interpretation, that this restraint is only for young scholars matriculated before any Degree taken, & therefore so green & ungrounded as they can't of themselves profit abroad in the country in our University Studys, as others, being actual Batchelors; against whose discontinuance there is no mention in the whole interpretation; but the same rather tacitè allowed. And yet for the said young Scholars there is a favourable mitigation in the cases there expressed in the end.

Yet not willing by this our interpretation to have the University abused, in conferring of so venerable a Degree; we think it requisite, & very agreeable to the true intent of the said sta-

A. D.

tute, & so do explain, that yearly hereafter long Discontinuers do bring with them to the V. Chancellor then being, when they come to take the said Degree, sufficient testimony, that they have lived in the mean time soberly & studiously the course of a scholars life, & that testimony to be under the hands & seals of three preaching Ministers, Masters of Arts at least, & living upon their Benefices, near the place of their longest aboad; as also under the hand of the Master of the family, where such persons discontinuing have been entertained, & resided; if the said Master of the family can be gotten to join in testimony with the said three Preachers; otherwise it shall be sufficient to bring the hands of the said three Preachers.

And for better approving of their proffiting in Learning in such time of their discontinuance, that they perform their Acts for the Inceptors Degree *In luce*, so much as may be, according to such order as the University shall allow; viz. that their Bachelor's Disputations, Declamations & answering the Masters in Arts, or two of these at least according to the Statutes be open & ordinary, so far forth as the ordinary days for the said Acts will permit.

In witness whereof we have put to our hands the 25th. of March 1608.

De modo eli-
gendi Burgen-
sea.

1613. 11. Cum Statuto Academiæ quadragessimo De Ministrorum seu Officiariorum quorumcunq. electionis modo et formâ expressè sancitum sit; ut, de quibus aliter non est provisum, sequeremur modum et formam in electione Procancellarii præscriptam. Cumq. noviter huic Academiæ

A. D.

celeberrimæ ex indulgentia et rescripto serenissimi et incliti Regis Jacobi Burgensium electio concessa sit; orta nuper disceptatione apud nos de modo et forma Burgenses nominandi eligendiq. Nos collegiorum præfecti, maturâ habitâ consultatione, statuti prædicti verba, nempe ' *intra quatuordecim dies post vacationem,*' &c. sic interpretamur, ut omnis electio et nominatio Burgensium nunc et in posterum fiat juxta formam electionis Procancellarii, intra quatuordecim dies post traditionem regü Brevis a Vicecomite Procancellario Universitatis factam.

Clem. Corbet, Procan. An. 1613.

Hum. Tyndall	Val. Carey
Jo. Richardson	Jo. Duport
Law. Chaderton	Tho. Nevile
Gul. Smith	W. Brainthwaite.
Owen Guinn	

Maii 1°.

1626. 12. Cum * Statutis Academiæ cautum sit, ut modestiam ordini suo convenientem, omnes omnibus —in locis colant; eamq. Majores nostri, præcipue in publicis Comitiis, itâ observarunt, ut Philosophi suas quæstiones tractarent seriò; Prævaricatores veritatem philosophicam, quâ poterant contradicendi subtilitate, eluderent; Tripodes sua quæsita ingeniosè et appositiè defenderent; gestibus autem Histrionicis, flagitious facetiis et ineptiis pueriles risus captare nuperrimi sæculi malitiosum sit inventum; Ad antiquam Academiæ gravitatem restaurandam, et in posterum retinendam, Dñus Procan. et Præpositi Collegiorum, quorum nomina subscribuntur, sic prædictum

*Sup.
De tollendis ineptiis in disp. comitialibus.

V. inf.

STATUTES, &c.

A. D.

statutum interpretantur, et interpretando decernunt; ut **Prævaricatores**, **Tripodes**, aliq. omnes **Disputantes** veterem Academæ formam et consuetudinem in publicis disputationibus observent: ut ab hoc ridiculo morionum usu et impudentia prorsus abstineant: neq. leges, statuta vel ordinationes Academæ; neq. Facultatum, Linguarum, aut Artium professiones; neq. Magistratus, Professores, aut Graduatos cujuscunq. tituli, aut nominis, salutationibus mimicis, gesticulationibus ridiculis, jocis scurrilibus, dicteriisq. malitiosis perstringere aut illudere præsumant. Quod si quis decretum hoc violaverit, ipso facto per **Dnum Procan.** ab omni **Gradu suscepto** suspenderatur, aut incareretur. Et si indignitas facti majorem pænam meritò postulaverit, per **Dnum Procan.** una cum assensu majoris partis **Præpositorum Collegiorum** ab Universitate expellatur in æternum.

Johan. Gostlin, Procan.

Sam. Ward	Leon. Mawe
Jo. Preston	Th. Bainbrigg
Rob. Andrews	Jo. Mansell
Hen. Smith	Sam. Walsall
Sam. Collins	Oen. Gwin
Tho. Eden	Mat. Wren.

Jun. 8^o.

De disputationibus Juriscon.
et Medicorum.

1629. 13. Repetitis hoc anno per **Dnum Procan.** Jurisconsultorum et Medicorum disputationibus, quæ per multos retro annos intercederant; dubia aliquot ad nos de 28^o. et 29^o. Capite statutorum adferuntur, quæ explicationem, determinacionemq. nostram postulant. Nos igitur Collegio-

A. D.

rum Praefecti qui subscrisimus, pensatis circumstantiarum omnium momentis, mentemq. et verba statuti de Theologorum disputationibus, Capite 26°. quam maximè secuti, ad ambiguorum horum determinationem et interpretationem sic procedimus.

Primò ambigitur de Die. Diem autem disputationibus istis in unoquoq. termino assignatum per statuta, numerandum esse decernimus a primo die Jovis in initio cujusq. Termini; atq. ita procedendum esse per singulos dies Jovis (sive festi dies sint sive non; sive vacatio interea propter exequias alicujus Gremialis incidat) usq. ad sextum, in quo Jurisconsultorum disputatio, et dein ad nonum, in quo Medicorum habenda est. Ita tamen ut si fortian vel sextus vel nonus ille dies, vel in diem festum, aut in vacationem propter exequias incidat, tum disputatio differetur in diem Jovis in proximâ hebdomadâ subsequentem. Quod si in aliquo Termino post disputationem sic habitam, vel de jure habendam, alter sextus dies Jovis recurrat, tum (observata hujus interpretamenti ratione) habendam esse et alteram Jurisconsultorum disputationem decernimus.

Secundò ambigitur de homine. Cæterum si quispiam ex iis, qui vel juri civili, vel Medicinæ dant operam, defecerit aliquando, et respondere neglexerit secundum ordinem senioritatis suæ, sed alterum interea qui pro formâ locum petit surrogatum habuerit, ipsum illa vice mulctandum non esse judicamus: verum sive surrogatum Aliquem habeat, sive non habeat; atq. exinde mulctetur ea vice; disputationem tamè proximè subsequentem ad ipsum (totiès quo-

A. D.

tiès) pertinere decernimus, usq. dum in propriâ personâ eandem præstiterit.

Mat. Wren, Procan.

Oen. Gwin	Joh. Mansel
Hen. Butts	Th. Pask
Hieron. Beale	Sam. Collins
Th. Bainbrigg	Gul. Sancroft.
Sam. Ward	

Oct. 9°.

De nominati-
one Officiario-
rum.

1663. 14. Cum in interpretatione Statuti de Electione Lectorum et reliquorum officiariorum facta Sept. 18°. 1582, cautum sit, ut post vacationem nominationis ad aliquod officium vel munus in Academiâ gerendum, nominatio ejus ad Præfec-tos Collegiorum spectat; ut illi punctis suis duos Universitati proponant: nos Procan. et major pars Præfectorum collegiorum idem Sta-tutum ulterius interpretamur: ut non tantum post vacationem nominationis, sed etiam post omissionem nominationis, nominatio ad Præfec-tos spectat; ut illi punctis suis duos Universitati proponant.

Edv. Rainbow, Procan.

Ja. Fleetwood	Ed. Boldero
Mar. Frank	Ral. Cudworth
Fran. Wilford	Ant. Sparrowe
Joh. Pearson	Pet. Gunning
Ric. Minshull	The. Dillingham.

Aug. 22°.

De Gratiis pro
Gradibus No-
bilium extra
Terminum
concedendis.

1673. 15. Cum Academiæ Statuto Cap. 21. cautum sit, ut nulla Gratia pro Gradu aliquo suscipiendo extra Terminum omnino vel petatur vel conce-

A. D.

datur: undè diù multumq. dubitatum sit, an et Nobilibus eorumq. filiis omnis ad Gradum aditus Vacationis tempore dicto Statuto p̄æcludatur. Nos Procan. et P̄æpositi Collegiorum quorum nomina subscribuntur (ut honori et commodo Academiæ consulamus, et omnem ea de re scrupulum in futurum eximamus) Statutum p̄ædictum de Gratiis solummodo personis privatæ conditionis concedendis interpretandum, et Nobiles eorumq. filios lege illa liberos et omnino solutos decernimus et declaramus: in hanc autem sententiam venimus hisce ducti rationibus:

Primò, lex dicta ea solum ratione sancita videtur, ne cui Gradum adire contingat furtim et sine arbitris, vel absq. exercitiis completis (non nisi pleno Termino peragendis) quæ tamen a personis è Nobilium ordine ad Gradum suscipiendum minimè requiruntur.

Secundò, Statutis non minus Academiæ quam regni provisum est, ut Nobiles privilegiis gaudent; et à sortis inferioris hominibus non minus immunitatibus quam titulis suis, et Natalium dignitate distinguantur.

Stat. 21, Cap.
46.

Tertiò, Rationi dissonum videtur, statutum illud Gratiam pro Gradu suscipiendo extra Terminum petitam Nobilium titulo insignitis dengasse, quibus Gradum suscipiendi, nullo habito ad Terminum aliquem, sed generis solummodò claritatem, respectu, licentiam fecit: aut legem de minimis (temporis nimirūm circumstantiis) nullâ p̄æsertim de causâ curare voluisse.

Utcunq. non minùs Statuti jam dicti verbis, quam actionis solennitati consentaneum existimamus, ut per Gratiam et votum Senatus speciale Convocatio in Congregationem converta-

STATUTES, &c.

A. D.

tur, cum vir aliquis ē Nobilium gente in ordinem Magistrorum vel Doctorum cooptari postulaverit.

Gul. Wells, Procan.

Rob. Mapleton	Th. Dillingham
Jo. Beaumont	Rob. King
J. Spencer	J. Bretton
Ric. Minshull	R. Cudworth.

Oct. 31^o.

About Com-
pounders.

1686. 16. *An Interpretation made by the V. Chancellor & Heads, whose names are here underwritten, the 31st day of October 1686, of that part of the 49th Statute of the University which concerns compounders, viz. omnes quorum annuus redditus est ad valorem quadraginta Marcarum, præter stipendia quæ habent a Collegiis suis, aut ab Academiâ ratione alicujus Lecture, ad Gradum aliquem scholasticum promovendi dabunt Cancellario, &c. & also of that part of the said statute which concerns incorporations, viz. Incorporatus in aliquâ facultate solvet prout de corporatis dictum est.*

Whereas several ecclesiastical preferments of considerable value are not rated or so much as mentioned in the book of first fruits or subsidies; We think it agreeable to reason, & the true meaning of the Statute aforesaid (viz. omnes quorum annuus redditus, &c.) that such Deanaries, Prebends, Rectories, Vicaridges, & all other ecclesiastical preferments be rated according to their reputed value, & as they are or may be lett or rented. Since therefore the Interpre-

A. D.

tation of this said Statute made 1599 was intended for the encouragement of the officers; we do judge the meaning thereof was not to restrain the Statute, or to take away any of *their* just dues, which was not in their power to do, but to prevent controversies, where the book of first fruits did settle the value, allowing that for a sufficient proof. But for other cases, where the ecclesiasticall preferment is not valued in the book of first fruits, the general words of the Statute ought to take place, if good proof can be made.

And whereas it hath been a frequent practice among Candidates for degrees having compounding estates, to alienate or make over the same, whereby the said Statute (viz. omnes quorum annus redditus, &c.) is eluded, & the Officers defrauded; for the prevention of such fraudulent practices for the future, We do hereby order & decree, that if the party so alienating or in anywise conveying hath reserved to himself any Power whereby he may or (without any such reserved power) actually does take & receive to his own use directly or indirectly to the value of 40 Marks per An. out of such estate; every such person to be taken & reputed a compounder; & to satisfy the officers accordingly.

Also whereas by another clause in the said Statute it is expressed in these words, *Incorporatus in aliqua Facultate solvet prout de corporatis dictum est*; the sense & meaning of which clause seems plainly to be this, viz. in case any strangers & forreigners should think fit to take any Degree in this University, they should be liable to the same payments as our Gremials are.

A. D.

We do therefore interpret & decree, that all incorporate persons in this University for the future, which according to the abovementioned Statute, & the Interpretation thereof have compounding estates, shall be taken & reputed compounders, & shall satisfie the University Officers accordingly ; Oxford men who shall be admitted ad eundem & proceed to no farther Degree only excepted.

Gul. Saywell, Procan.

Jos. Beaumont	Nath. Coga
Hen. James	Humf. Gower
Jo. Spencer	Ra. Cudworth
John Copleston	Sam. Blithe.
J. Balderston	

In omnibus his Statutis ubi nulla expressa pæna violatoribus imponitur, liceat Cancellario cum consensu Præfectorum Collegiorum certam pænam assignare, atq. imponere eorum violatoribus; atq. ita legitima sit, ac si in prædictis Statutis præposita fuisset.

V. Stat. Eliz. Cap. 50, prope finem.



DECRETA PRÆFECTORUM.

Maii 26.

1570. 1. IT was adjudged & decreed by M^r. D^r. Mey,
 V. Chancellor, by the advice & counsell of M^r.
 Dⁿ. Hawford, Whitgift, & Ishell, justices of
 the peace, that no inhabitant within the town of
 Cambridge, being either Scholer or Scholer's
 servant, can or may be privileg'd by that title
 from the common days works of mending the
 high ways: but that all & singular shall either
 work or find sufficient labourers upon the paine
 limited in the Statute, except he be a labourer &
 so accounted.

Scholars & their
 Servants to do
 daies works.

Maii 8^{vo}.

1571. 2. Multis et gravibus de causis ordinatum, de-
 cretum, et statutum fuit et est per M^rum Johan-
 nem Whitgift, S. T. P. almæ Universitatis Can-
 tabrigiæ Procancellarium, Præpositos, Magis-
 tros sive Præsidentes Collegiorum in Scholis
 publicis 8^o. Die Maii 1571, et Reginæ Eliz. 13^o.
 Si quis Scholarium hujus Universitatis, cujus-
 cunq. ordinis aut status fuerit, infra Gradum

That no one
 goe into the
 water.

Bac. Artium rivum, stagnum, aut aliam aquam quamcunq. intra Comitatum Cantabrigiæ, natandi seu lavandi causâ, diurno seu nocturno tempore ingrediatur; et super hoc vel evidentia facti, seu sufficienti probatione convictus fuerit; quod tum omnis hujusmodi sic delinquens pro prima vice acriter et severè, primò domi in Collegio in quo commoratur verberibus castigetur et puniatur palam et publicè in communi aula, in præsentia omnium et singulorum Sociorum, Scholarium et reliquorum in dicto Collegio commorantium; et consequenter proximo die palam et publicè in scholis publicis coram Lectore cuius est lectionis, vel esse debuit, auditor, et omnibus auditoribus ejusdem per unum Procuratorum, aut alium assignandum per Dnum Pro cancellarium severè acriterq. verberibus iterum puniatur et castigetur, omni excusatione, supplicatione, petitione aut indulgentiâ omnino cessante: Et secunda vice, quod omnis sic delinquens et Collegio, cuius est Scholaris, et Universitate privetur, et ipso facto in perpetuum expellatur.

Quod si Baccalaureus Artium existat, tum pro primâ vice quilibet sic delinquens in cippis, pedibus constrictis per unum diem integrum in aula communi ejus collegii, in quo commoratur, plectatur: Et insuper ante ejus dimissionem e cippis decem solidos legalis monetæ Angliæ persolvere teneatur ad commeatum sive Communes omnium in eodem Collegio existentium: et pro secunda vice idem Collegio et Universitate expulsus recedere teneatur, omni appellatione, querelâ, sive revocatione omnimodo et in omnibus supradictis cessante et remotâ. Quod si sit

A Batch. of
Arts to be set
in the Coll.
Stocks.

A. D.

in Artibus Magister; aut Bac. in Jure, Medicina, aut Musicā, aut superioris Gradūs aut ordinis, tunc eum severè puniendum et castigandum judicio et arbitrio Præpositi Collegii, in quo idem delinquens inhabitat, aut eo absente, Præsidentis et unius Decanorum commiserint præfati constituentes.

Jun. 27°.

1571. 3. Decretum fuit per Dnum Doctorem Whitgift, Procan. et Præfectos Collegiorum, juniores Procuratorem deinceps habere debere omnem autoritatem eligendi et assignandi Patrem, Repli- catores, et Baccalaureum Tripodis in die Cine- rum, et seniores Procuratorem similiter habera debere eandem autoritatem in magnis Comitiis.

De Patre eli-
gendo in die
Cin. et Comit.
V. inf.

Mar. 21°.

1571. 4. Whereas upon some controversies M'. Proctors at the latter Act pronounced all the Questionists of this Year to have fully determined, & to be actually Batchelors, except the Questionists of Trinity College ; it was defined, ruled, & determined by M'. Roger Kelk, Dr. of Divinity, & V. Chan. of the University of Cambridge, M'. Dr. Pern, Hawford, Whitgift, Chaderton, Bing, & M'. Aldrich, that the said Questionists were full compleat & actual Batchelors ; & that M'. Proctors had no authority or power to change, alter, or prolong the Profession, Examination, & Determination of the Batchelors, other than the Statute in that behalf hath provided & determined.

Limitation of
the Proctors
power at the
Tripes.

Item, it was then & there by the said M'. Doctors & Heads determined, that where in the Statutes any Mulct or Penalty is specified or as- signed, in that case the Proctors cannot use or

V^l inf.

A. D.

exercise any suspetision, but only exact & demand execution of the said Mulct.

Mar. 25°.

Limitation
about wearing
Hatts.

1571. 5. It was defined & decreed by M^r. Dr^r. Kelk, V. Chan. Dr^r. Pern, Hawford, Whitgift, Chaderton, Ishell, Bing, & Sheapheard, that no excuse of wearing hatts should be allowed, either within the Coll. or abroad in the University, unless he that did wear any hatt within any College were non-commons; & without the College within the University, did wear a kercher with his hatt; else to pay the Mulct.

Feb. 8°.

Mulcta absen-
tium à Lectio-
nibus ordin^r.

1578. 6. Cum mulcta nulla assignatur pro absentiâ Magistrorum in Artibus, et superiorum Graduum, nec non Baccalaureorum in Jure civili et Medicina absentium ab ordinariis lectionibus; sancitum et decretum fuit 8°. Feb. A. D. secundum computum Ecclesiæ Angl. 1578, per Joh. Whitgift, S. T. P. almæ Universitatis Cantabrigiæ Procanellarium, Doctores Hawford, Kelk, Chaderton, et Harvey, Magistros Sheapheard, Legg, Norgate; quemlibet præmissorum absentem a Lectione pro primâ vice multandum duobus denariis, pro secundâ, 4, pro tertîâ, 8, pro quartâ, 16 denariis; et pro quinta vice pro judicio Procan. multandum, castigandum, ac puniendum. Et prædictæ mulctæ dimidiam partem ad utilitatem ejus Collegii, in quo sic delinquens habitat, applicandam, alteram præconibus cedere.

Item iisdem die et anno sancitum et decretum fuit autoritate prædictâ, Decanos cujuslibet Collegii Magistrorum defectu, aut primarios Lectors multandos esse quatuor denariis totiès

A. D.

quoties non assignabant monitores, qui singulis diebus schedulam absentium a Lectionibus Bedellis traderent.

Item iisdem die et anno decretum est, illud solum tempus reputari, et numerari posse pro completione Terminorum ad Gradus suscipiendos, a quo nomina Scholarium in Catalogo et albo alicujus Collegii sine dolo malo inscribuntur; et omne tempus in quo nomina non inscribuntur, ut praemittitur, pro nullo haberi, ac si Scholares commorantes in domibus Laicorum quotidiè ordinarias Lectiones audiverint.

V. Sup.

Jun. 17°.

1573. 7. Decretum fuit per Doctorem Bing Procan. (sicut alijs decretum fuit 13°. Jun.) cum consensu Praepositorum, that all Bushells of the Town & Country, wherewith any thing should be measured with heap, that they should bear the breadth & measure of the standard of Brass at the least, sub pœna limitandæ ad discretionem Domini judicis pro qualitate delicti.

About the Size
of Bushells.

Ultimo Julii 1575 idem decretum for the largeness of the Bushells renovatum fuit prædicta die, adjectâ pœna sex solidorum for every time & default.

Jun. 1°.

1575. 8. Decretum fuit per Doctorem Pern Procan. Doctores Hawford, Whitgift, Bing, et Legg Præsidentes Coll. Regal. Joh. Corp. Christi, Pembroke et Magd. Electionem eorum qui disputatione et responderent in maximis Comitiis spectare solum ad seniorem Procuratorem; et juniores Proc. eandem habere autoritatem in die Cinerum: sed electio Patris in maximis Comitiis est penes Inceptores illius anni.

De Autoritate
Proc. in Comi-
tiis, et electione
Patris.

A. D.

Nov. 25°.

No office to
exempt from
any Exercise.

1578. 9. Definitum et decretum fuit per Dñm Th. Bing, LL. D. almæ Universitatis Cantabrigiæ Procancellarium, cum consensu Doctorum Hawford, Fulk, Howland, Harvey, Legg, Hatcher, Larking, Ward; et Magistrorum Nichols et Norgate, in præsentia Doctorum Chaderton et Barrow; quemlibet hujus Academiæ scholarem, juxta senioritatem suam in Universitate teneri ordine suo cuin ad respondendum tum ad opponendum in Theologiâ, jure, et Medicinâ; nec non ad prædicandum: neq. Magistratum aliquem aut munus publicum (viz. Procuratoris, Taxatoris, aut Scrutatoris) liberum aut immunitum posse præstare aliquem a prædictis oneribus, aut liberare debere aut posse juxta tenorem Statuti in Capite expressi.

Item, it was in like manner decreed by M^r. Jo. Young, Dr. of Divinity, & V. Chan. of the University of Cambridge, with the assent & consent of all the Masters & Presidents of all the Colleges, in the common Schools assembled; that no man, unless he were a Dr. should wear a Hood lined with silk upon his Gown as Doctors usually do, upon the forfeiture of 6^d. 8^d. totiès quotiès; & if any shall refuse to pay the said fine or mulct, then he to be inforced by M^r. V. Chancellor's Authority to shew why he should not be punished for wilfull perjury.

None but Doc-
tor's hoods to
be lined with
silk.

Jun. 20°.

Nomina Quæ-
tionistarum
Procan. exhib-
enda.

1584. 10. Dr. Rob. Norgate, S. T. P. almæ Universitatis Cantabrigiæ Procan. de consilio et assensu omnium Præfectorum Collegiorum, qui huic chartæ subscripserunt, decrevit, quod Præfecti omnium

A.D.

et singulorum Collegiorum, et in eorum absentiâ eorum vices gerentes, schedulam continentem nomina et cognomina omnium et singulorum scholarium, qui in suis privatis Collegiis, publico suo, et Sociorum suffragio, domi ad respondendum quæstioni approbabuntur, Domino Procan. aut ejus deputato exhibebunt ante congregacionem tenendam post hujusmodi domesticam approbationem. Item decrevit, quod prædicti Præfecti, vel eorum Vicarii non admittent in Collegia sua respectivè aliquem Scholarem, qui nunc, nec ante fuit de eodem Collegio, nisi Præfectus, aut ejus vices gerens per literas suas significaverint, sese licentiam dedito prædicto scholari, ut a suo Collegio ad aliud transeat: sub pœna 40 solidorum legalis, &c. solvendorum per eum, qui aliquam partem hujus decreti violaverit, ad publicum opus et usum Academiæ.

No changing
Colleges with-
out leave, on
Pain of 40
Shillings.
Vid. Sup.

Per me Rob. Norgate, Procan.

Joh. Still	Rich. Howland
Tho. Legge	Umf. Tyndall
Joh. Bell	Tho. Neville.
Edm. Barwell	

Sep^t. 15^o.

1600. 11.

15^o. Die Sep^t. 1600, coram venerab. viro D^r. Soame, Procan. assidentibus Doctoribus Barwell, Overall, et Cowell et M^r. Chaderton, &c.

Memorandum, that upon perusing & viewing of the Charter of the University of Cambridge, granted by our Sovereign Lady Queen Eliz. &c. in the 3^d year of her Majesties reign, & upon the sight of former Præsidents, concerning recogni-

Recognizances
taken by the
V. Chan. not
to be returned
at the Qr. Ses-
sions.

A. D.

zances of the Peace, taken before the V. Chan. by virtue of his office being V. Chan. it was resolved, with the consent of the assistants above-named, that the recognizances of the Peace, taken before him, wherein a Scholar or Scholar's servant is a party, ought not by the said Charter to be certified to the Q^r. Sessions; althô in the tenor of such recognizances the name of V. Chan. & Justice of the Peace be joined together: for that such recognizances, wherein a privileged person is a party, cannot be taken but by his Authority as V. Chan. & the same matter of or for the Peace by him only as V. Chan. to be heard & finally determined. And likewise it was resolved, that if any prejudice should arise unto M^r. V. Chan. for not certifying the said recognizances, that the defence should be made, & the charges in that behalf born, & sustained by the University.

From Tabor, f. 276.

Oct. 20^o.

A Sermon &
Speech on the
5th. of Nov^r.

1606. 12. To the end that the 5th day of November may yearly hereafter be the more solemnly, & kept in this University of Cambridge according to a statute made & enacted in the last Session of Parliament; We Rich. Clayton, D^r. of Divinity, & V. Chan. of the University aforesaid, & the heads of the several Colleges there, do, with joint assent & consent, set down, ratify, & establish this order following: viz. that the senior D^r. of Divinity being Head of a College, shall preach the 5th day of November next in S^t. Ma- ries Church, at 9 of the clock in the forenoon, after solemn prayer & thanksgiving be ended: &

A. D.

the next year viz. 1607, the next Dr. in Divinity in seniority being likewise Head of a College, shall preach the said 5th of Nov. in the said Church: and so all the rest of the Doctors, & others the Heads of Houses being Divines shall preach in their seniority successively the day & place aforesaid perpetuis futuris temporibus, either by himself, or (upon just cause to be excused, or allowed by the V. Chan. for the time being) by some other Head of a College, by him whose course it is to be procured upon pain & forfeiture of five pounds for every default: the same to be paid to the use of the common chest of the same University: and the V. Chan. then newly elected, or that shall or may be elected that day, to be chargeable at his account to the University for the said sum of five pounds so forfeited. Further, we do likewise consent & assent, that every such 5th. day of Nov^r. there shall be an Oration in King's College Chappell in the said University at such an hour in the afternoon, as by the V. Chan. for the time being shall be thought meet & convenient: And in case no V. Chan. be chosen before one of the clock of the said 5th. day of Nov^r. then the said oration to be immediately after the election of the V. Chan. in the afternoon of the same day, & in the aforesaid Chappell: after the end of which Oration it is thought meet, that solemn service should follow presently in the same place with joyfull singing & hearty thanksgiving. The first Oration to be made by the new Orator of the University; & the next year & ever after perpetuis futuris temporibus by such an one as the V. Chan. or his Deputy, that shall be in place

A. D.

28 daies before the said 5th. day of Novr. shall think meet & sufficient to be appointed for that purpose.

In witness whereof we have hereunto subscribed our names. And this assembly to be solemnized in Scarlet.

Rich. Clayton, V. Chan.

Rog. Goad

Rob. Soame

Jo. Duport

Barn. Goath.

Against disorders at publick assemblies.

1606. 13. Whereas upon the 20th. of Feb. 1606 there was foul & great disorder committed at the time of a comedy in King's Coll. by most rude & barbarous throwing many great stones at & thrd the hall windows, with great outcries & shouting by multitudes of Scholars & others, for the space of about two hours together; there being then assembled the hall full not only of inferiour sort, but also of divers young noblemen, Doctors, Batchelors in Divinity, Masters of Arts, to their great offence, annoyance, & disturbance; beside the breaking of many other windows about the said College, & a great post of timber violently pulled out of the ground; & therewith divers running on a strong gate, the same was broke open (an outrage in some such like sort committed in other Colleges afore time, yet in that excessive manner the like not known among Scholars). For exemplary censure upon the present, & for remedy of any like future hereafter in any publick assembly in the University, it is, upon good consideration & resolution, order'd & decreed by M^r. V. Chan. & the heads of Colleges as follows: that whosoever being non-

A. D.

Graduate, or Graduate, or privileged person, is or shall be found or convinced in the abovesaid late & strange disorder at the said comedy, a thrower of stones against the said Glass windows, (especially against the Hall windows) a maker of loud shouts & outcries, or a violent breaker open of doors or gates by a main post pulled up; or shall hereafter be found in any like assembly in the time of any play, shew, comedy, or tragedy, committing the same or like offensive riotous action; or else a partaker, Counsellour, or inciter, shall, if they be convinced to be principall offenders before M^r. V. Chan. & the more of the Heads then at home, be banished the University. If offending in lower Degree (then being Graduates) besides private satisfaction for the harm done, shall be suspended their Degree; so to continue at the discretion of M^r. V. Chan. & also to be stay'd for one whole year for taking further Degree, when his time for the same shall come. But if such offenders shall be non-Graduates, or privileged persons, then being *non-adulti*, they shall be corrected in the Schooles by the rod; if *adulti*, they shall make some open confession of their fault in the said Schooles, in the presence of such as M^r. V. Chan. shall call; & nevertheless both sorts of them shall be made uncapable for one whole year of their expected Degree, when their time cometh. And if any that have or shall have part in the disorders or any of them, not being a Scholar, shall be found an offender, then every such person shall be punished by imprisonment, & sitting in the stocks at the Bull-ring in the markett-place, so long as to M^r. V.

STATUTES, &c.

A. D.

Chan. shall seem good according to the quality
of the person, & Degree of the offence.

Sam. Harsnett, Procan.

Tho. Neville	Jo. Cowell
Rog. Soame	Edmund Barwell
Rog. Goad	Humph. Tyndall.
Joh. Duport	

Against night-
jotters, keepers
of Greyhounds,
&c.

1606. 14. Whereas there hath divers times fallen out sundry disorders, especially in the night time, by such Scholars as take upon them (being but private persons) to goe forth into the town pretending & abusing the Proctors authority, & carrying with them divers unfit & unstayed persons, whereby many inconveniences have ensued to the disquiet of the inhabitants, & discredit of the University. And whereas also diverse Scholars of the University, especially of late years, have used to shoot in guns, Cross-bows, & Stone-bows, both near home & also in the neighbour towns, where they have wandred abroad: and usually have kept greyhounds, & some of them hunting horses to that end (either by themselves or others in the town) for coursing & hunting to the destroying of the King's game, & to the mispending of their time; (having had often warning heretofore from M^r. V. Chan. upon his Majesties inhibition also signified in every College, yet stil have presumed to continue the same disorders). For remedy whereof it is by M^r. V. Chan. & the Heads of Colleges provided & decreed, that whatsoever Scholars or Students or any retaining to them shall hereafter be found & convinced, either to take upon him the Proctors authority as is abovesaid; or to ac-

A. D.

company any that shall so presume to usurp the said authority; & shall goe abroad making the night scrutiny in the streets into mens houses or fields adjoining; or shall shoot in guns, cross-bows, or stone-bows, either within the limits of the University or without; or shall keep by himself or others any greyhounds, or shall wander in the fields either with greyhounds, guns, cross-bows, or stone-bows, it is by the consent above-said decreed, that every Scholar so offending, being convicted & adjudged in manner aforesaid, shall incurr respectively (according to the degrees of his offence) the severall penalties above specified for the disturbers of public assemblys. And if any shall be found a keeper of greyhounds in the town for any Scholer, Student, or Scholer's servant, every such shall sufferr imprisonment, & five shillings mulct for the first time; & after so offending, double punishment, viz. ten shillings mulct, & imprisonment at M^r. V. Chancellor's discretion. The said mulcts to go to the use of the University.

Sam. Harsnett, Procan.

Rog. Goad	Rob. Soame
Tho. Nevile	Edm. Barwell
Humph. Tyndall	Joh. Duport.

1607. 15. Being found by experience, that there is too much practice grown of late years among Scholars of this University (not heard of in former better times) in excessive drinking, foul drunkennes, & taking tobacco, in taverns & shops too commonly & immodestly frequented to the dishonour of God, the great scandal of the Univer-

Against drinking & taking tobacco.

A. D.

sity at home & abroad, waste of expence, beside hurt of bodie & mind, & evil example from those that profess learning & sobriety. For redress hereof, it is by due deliberation decreed by M^r. V. Chan. & the Heads of Colleges, upon interpretation of a part of a Statute *De modestia, &c.* as follows, viz. whatsoever Scholar or Student, or privileged person of this University shall hereafter be convicted of excessive drinking, drunkennes, or making others drunk, especially in the night time, in tavern, inn, or victualling house, or taking tobacco in such houses, taverns, or shops, of what condition or degree soever he be; if he shall be convicted before M^r. V. Chan. & the more part of the Heads of Colleges then at home, to be an offender in the premises, or any of them, shall by the consent above-said be banished the University; & be degraded if he be a Graduate; others, if they shall be found faulty in inferior degrees, shall incur, if they be Graduates, to be degraded by M^r. V. Chan. for so long time as he shall think good; & also for one whole year to be stayed from taking their further Degree at their time: If non-Graduates, then to be made incapable for one whole year of their Degree when their time cometh; & also enjoined by M^r. V. Chan. openly in the Schooles to declaim against that abuse, if they be adulti: if not adulti, then to undergoe correction by the rod in the Schooles: and if any privileged person, then they to be discommuned by the authority aforesaid. And if any Taverner, Innholder, or Victualler, shall receive & suffer any such disorder'd Scholars, Students, or privileged persons in their houses,

A. D.

misdemeaning themselves in the premises; or shall be found to entertain or sufferr to drink in his house any Student or privileged person, after the bell hath done ringing at the usual hour of the night by the Statute of the University expressed & limited; such housekeeper shall forfeit ipso facto to the University the sum of 40 Shillings for every time so offending, agreeably to the Statute in like case provided. And it is further order'd, by the advice & consent aforesaid, that if any Student in this University of what condition or degree soever, shall take tobacco in St. Maries Church in the Commencement time, or in the Schooles in the Lent Acts, or at any other time of exercise of learning in the said Schooles, in any dining hall of Colleges, or at any time & place of Comedies, or publick University Tragedies, Shews, or Assemblies; the same offendour being a Graduate, thereof convicted before M^r. V. Chan. shall for the first time offending herein incur the mulct of 6^o. 8^d. & for the second time so offending 13^o. 4^d. & also to be by M^r. V. Chan. suspended his Degree during M^r. V. Chan.'s pleasure: And if such offendour be non-Graduate & adultus, he shall incur the mulct of 6^o. 8^d. for the first time; for the second 13^o. 4^d. for the third time 13^o. 4^d. & also be made incapable of his Degree for a whole year, when his time cometh; & if any herein shall offend non adultus, then every such shall have correction in the Schooles by the rod. All the said mulcts to goe to the use of the University. Further enjoyning & requiring every governour in the several Colleges to look unto this taking of tobacco, excessive drinking, & drunk-

A. D.

enness, if any shall be; & to punish such offender according to the tenor of this decree.

Sam. Harsnett, Procan.

Humph. Tyndall	Jo. Duport
Jo. Cowell	Rob. Soame
Rog. Goad	Ed. Barwell.
Tho. Nevile	

Oct. 10,

Only 3 daies
non-Term on
the death of a
Gremial.

1619. 16. Decretum est per D^{num} Procan. et Præfectoris Collegiorum, quorum nomina subscribuntur; quod deinceps post mortem Gremialis cujuscunq; per triduum tantum sit nou-Terminus, et vacatio a lectionibus et exercitiis scholasticis secundum antiquum statutum de exequiis ex hac parte provisum. Quod si quis funebrem solennitatem observari pro defuncto desideret, ut diem postea ad funus destinatum petat, et habeat ad assignationem Dni Procancellarii.

Jo. Gostlin, Procan.

Jo. Richardson	J. Hills
Rog. Andrews	Leon. Mawe
Sam. Collins	Val. Carey
Rob. Scott	Oen. Quinn
J. Davenant	Hieron. Beale
Sam. Ward	Sam. Wallshall.
L. Chaderton	

Nov. 19^o.

De personis
vagis et fæminis
a Collegiis
removendis.

1625. 17. Cum contra antiqua Academie et Collegiorum statuta paucis abhinc annis intra Collegiorum parietes pueri et viri literarum rudes et penitus inepti, qui progressum aliquem in studiis

A. D.

Academicis faciant, et fæminæ præterea irrepserint ad ea opera facienda, quæ a studiosis egenis ad eorum impensas sustentandas fieri solebant, unde et pauperibus scholaribus grave damnum, et Universitati scandalum domi, foris opprobrium accreverint: ad occurrentum hisce malis per Dñm Procan. et Præfectos Collegiorum sic decretum est. Nulli deinceps pueri aut viri hujusmodi, literarum ignari aut in Collegio aliquo residere, aut circumvagari, aut quocunq. modo aut prætextu sese ad hujusmodi Servitia perficienda intrudere permittantur, nisi fuerint aut Collegii illius ministri, aut peculiares alicujus servi, qui Dominorum suorum tantum negotia expediant. Nulla deinceps mulier cujuscunq. ætatis aut conditionis, aut per se audeat, aut vocata ab aliis permittatur in quocunq. Collegio in privatis cubiculis quorumcunq. lectos sternere, aut ad aulam aut ad culinam, aut ad promptuarium accedere, ut cujuscunq. commeatum, aut panem, aut potum intra Collegii limites ad cubiculum alicujus Scholaris deferat, nisi vocata fuerit ad custodiam infirmi alicujus ægrotantis: ægrotantium custodes, et lotrices omnes maturæ sint ætatis, bonæ famæ, et uxores, aut viduæ; quæ per se linteas Scholarium lavanda recipiant, et lota referant: neq. permittantur quocunq. prætextu ancillæ adolescentes ad studiosorum cubicula accedere. Si ad sordes offerendas necessitas fuerit, Collegiorum tantum Elemosynariæ, aut vetulæ quinquaginta ad minimum annorum ad hæc opera permittantur. Si quæ mulieres aliae aut aliter quam decretum est, Collegio frequentaverint, adsumoneantur desistere, et prohibeantur per Præfectoros, Præsides, aut Decanos Collegiorum. Quod

A. D.

si prohibitæ non desistant ab ingressu collegii, ad
 Dnum Procan. deferantur; ubi, si contumaciæ
 convictæ fuerint, tanquam incorrigibiles ab Uni-
 versitate et villa Cantabrigiæ, et ab omnibus villis
 intra quatuor milliaria ab eadem villa distantibus
 banniantur secundum Chartam Academiæ con-
 cèssam per Regem Henricum sextum. Si qui
 studiosi in Coll. pueros, viros, aut fæminas hoc
 decreto prohibitas, ad cubicula sua accersant aut
 recipient, singuli Collegiorum Præfecti, aut in
 eorum absentia Præsides contra delinquentes se-
 cundum Collegiorum suorum statuta procedant:
 Si per Coll. Statuta satis provisum non sit; con-
 vocatis iis quorum interest prospicere ne quid de-
 trimenti Collegium capiat, ordinationes hujusmo-
 di inter se maturo consilio faciant, quæ ad hono-
 rem Academiæ tuendum, ad Collegiorum famam
 et innocentiam conservandam maximè utiles et
 necessariæ videantur.

J. Gostlin, Procan.

Sam. Ward	Jerom. Beale
Hen. Smith	Mat. Wren
Th. Bainbrig	Sam. Collins
Jo. Mansell	Leon. Mawe
Oen Guinn	Th. Pash.
Th. Eden	

Nov. 21°.

Contra com-
muni-
cations
Disputantium.

1625. 18. Cum pessime more candidati, post disputa-
 tiones in Scholis, privatas et majoribus nostris
 penitus ignotas invitationes induxerint ad gran-
 dem Academiæ infamiam, et gravissimas expen-
 sas et damnum eorum, qui summo labore suo et
 curâ studiosos alunt, ad querelam hanc adversus

A. D.

Academiae disciplinam auferendam, per Dnum Procan. et Præfectos Collegiorum sic decretum est, ut omnes Inceptores et Quæstationistæ deinceps futuri ab omnibus hujusmodi invitationibus, commensationibus, et conventibus abstineant; nominatim ne Moderatores aut Disputantes audent vel invitare, vel hujusmodi invitationes cujuscunq. rogatu acceptare; aut commensationibus ejusmodi interesse. Quod si qui in isto genere delinquent, ut habeantur infames propter luxuriam atq. intemperantiam, et ab eo Gradu, quem habent, suspensionem incurant, atq. intra annum illum iu quo deliquerint, nullam Gratiam ulteriorem neq. Gradum obtineant in Academiâ.

Jo. Gostlin, Procan.

Sam. Ward	Sam. Collins
Hieron. Beale	Jo. Mansell
Leon. Mawe	Tho. Bainbrigg
Th. Pash	Jo. Preston
Oen. Guinn	Hen. Smith
Mat. Wren	Th. Eden.

Sept. 18°.

1626. 19. Cum gravi Academiæ incommodo et Officiorum molestiâ, qui Baccalaureatum in Theologiâ quotannis suscipiunt, exercitia sua in extrema tempora Comitiis proxima differre soleant: Decretum est per Dnum Procan. et majorem partem Præsectorum Collegiorum, ut Gremiales singuli, qui Gradum prædictum deinceps suscep- turi sint, omnia exercitia ad Gradum hunc requi- sita omnino ante festum Sancti Barnabæ præs- tare teneantur; alioquin ad Gradum prædictum nequaquam eo anno admittantur, nisi aut eorum

Exercitia pro
Gradu S. T. B.
ante festum
Sd. Barnabæ
præstanda.

STATUTES, &c.

A. D.

propriæ vel in templo concionandi, vel in Scholis disputandi vices inter festum prædictum et majora comitia inciderint, aut ex justa et necessaria causa impediti fuerint, quo minus prædicta exercitia suo tempore perficere poterant, eaq. causa per Dnum Procan. et alterum ex Professoribus in Theologia, et seniorem in Theologia Doctorem tum præsentem in Academia unanimi consensu approbetur.

Jo. Gostlin, Procan.

Sam. Ward	Hieron. Beale
Leon. Mawe	Jo. Preston
Sam. Collins	Mat. Wren
Hen. Smith	Hen. Butts
Th. Bainbrig	Th. Eden.

Jan. 21°.

Fees to be
taken by the
Examiners.
V. Sup.

1582. 20. Memorandum, that it is & was order'd by Mr. Jo. Bell, Dr. in Divinity, V. Chan. of the University of Cambridge, with his assistants, viz. Dr. Pern, Goad, Howland, Harvey, Bing, Legg, & Mr. Nevile, the 21 Jan. an. Reg. Eliz. 25°. that the Examiners elected by the University for the Quæstionists shall take no mony or reward for examining of any Scholar, sitting orderly in the Schools, at the usuall days of examination, neithér shall take any reward, or any other thing of any that do sitt, thô they be for a better tryall respited, or stayed at the first examination, & not allowed at the posers oration. But if any Scholar or Quæstionist shall not sit in the usuall place & time of examination, & after that time shall desire to proceed in that Degree, then the cause of his absence from the usuall & accustomed ex-

A. D.

aminations being allowed by the M^r. of the College, where any such Scholar shall be, under his hand-writing, shall be commended to the V. Chan. for the time being, who taking of the said Scholar 20^d for the use of the University, shall also subscribe his name, & return the said Grace or writing unto the Examiners, who then taking for their pains & to their use another 20^d, shall examine the party, & upon their good liking & allowance subscribe their names to the aforesaid writing, which then shall be presented to the head, & so orderly to the whole University; & every person so examined shall be bound to pay the said 3^s. 4^d. before he be examined, which he shall forfeit & loose, whether he be rejected or allowed; because he did not observe the usuall time & daies of examination. And if any Examiner shall do contrary to this decree, he is to be punished at the discretion of the V. Chan. for the time being. And it was likewise order'd, that the Proctors should take nothing for any absence of standing in Lent upon the like pain of punishment, at the appointment of the V. Chancellor.

Jan. 22, 1630. D^r. Butts being V. Chan.
caused the foregoing Decree
to be set upon the School
gates, & subscribed the same
in this manner: " I require
" that all persons, whom this
" order or decree may con-
" cern, to observe the same
" in every particular to their
" perill."

HAN. BUTTS, Procan.

A. D.

Jan. 31^o.

About attend-
ance at Disses,
& suspensions
by the Proc-
tors.

v. Sup.

1630. 21. Whereas of late some doubts have been made out of these words in the 43 chapter of the University Statutes, viz. *Et providebunt ut omnes, qui præsto esse tenentur, adsint, nec sine legitima et approbata causa discedant, eosq. qui contra faciunt, primo tempore 4^d. secundo 12^d. tertio 20^d. quarto graviori pæna mulctabunt, &c*; whether all Junior & Senior Sophisters of the severall Colleges be bound to be present & attend at the Masters of Arts Disses in the Philosophy Schooles under the pains & penalties in the said statute prescribed; We whose names are underwritten, after mature deliberation, & perusal of the said words, & of these words, Cap. 6^o. *Primus annus rhetoricam docebit, secundus et tertius Dialecticam, quartus adjungat Philosophiam: et Artium istarum domi forisq. pro ratione temporis quisq. sit auditor, &c.* do order, decree, declare, & interpret, that those Sophisters only, which are of the fourth year, & are not admitted Quæstionists, shall be bound to attend at the said Masters of Arts Disses, & liable to the penalties in the said Statutes mentioned for absence from the same; & that the Proctors or their deputies (where in the University Statutes any mulct or penalty is specified) shall not at any time hereafter use, or exercise any suspension either against Sophister or Batchelor of Arts for any absence from Lectures, or Disses, but only demand execution of the mulcts in the Statutes mentioned.

Hen. Butts, Procan.

Sam. Ward
Tho. PaskeTh. Batchcroft
Sa. Collins

A. D.

Jo. Mansel	Th. Bainbridge
W ^m . Sandcroste	Hen. Smyth.
Sa. Brooke	

From Tabor, f. 403.

Jan. 27°.

1662. 22. For the more solemn observation of the 30th day of Jan. in this University, it is agreed by the V. Chan. & Heads of houses, that every Dr. in Divinity, being Head of a College, shall according to seniority, preach at St. Maries Church at nine of the clock in the forenoon on the said 30th of January: & if any shall fail so to preach, or to procure one of the Heads of Colleges, or a Dr. in Divinity, to preach for him, he shall forfeit 6^{lb}. 13^s. 8^d. to the use of the common chest, & the V. Chan. shall stand charged with the said sum at the next audit.

A sermon &
speech on the
30th of Jan.

It is further agreed, that on the same day there shall be a speech yearly at two of the clock in St. Marie's Church, or such place as the V. Chan. shall assign, to be made by such as the V. Chan. shall appoint. Jan. 27, 1662.

Edw. Rainbow, Procan.

Ja. Fleetwood	Mark Frank
Jo. Pearson	Jo. Lightfoot
Pet. Gunning	Th. Dillingham
F. Wilford	Ra. Cudworth
Ant. Sparrow	Jo. Beaumont.
W. Sandcroft	

Ap. 3°.

1663. 23. *Ordo quo singula Collegia concionatores in matutinis Dominicalium, et opposentes in disputationibus suppeditabunt, constitutus per Procan.* Ordo concionatorum, & Disputantium.

STATUTES, &c.

A. D.

et Præfectos Collegiorum juxta te-
norem Literarum Regiarum datarum
3º. die Aug. 13º. Car. secundi, 1661.

Primò	Coll. Regale	-	unum.
Deinde	Coll. Trin.	-	unum.
Post	Coll. D. Joh.	-	unum.
Post	Coll. X^d. S^d.	{ -	unum.
	Petri, & Magd.	}	
Post	Coll. Regin. Aul.	{ -	unum.
	Pemb. & Cath.	}	
Post	Coll. Corp. X^d.	{ -	unum.
	Clar. & Sid.	}	
Post	Coll. Caii.	{ -	unum.
	Jes. & Eman.	}	

Edw. Rainbow, Procan.

Ja. Fleetwood	Ra. Cudworth
Pet. Gunning	Rob. King
Jos. Beaumont	Mark Frank
Rich. Minshull	W. Sandcroft
John Pearson	Th. Dillingham.

**Ordo Procura-
torum, Taxato-
rum et Scruta-
torum.** 1663. 24.

Ordo constitutus per V. Can. et Præ-
fectos Collegiorum, quorum nomina
subscripta sunt, quo singula Collegia
Procuratores, Taxatores, et Scruta-
tores nominabunt, et præsentabunt
juxta tenorem Regiarum Literarum
datarum 3º. Aug. 1661, An. Car. 2^{di}.
13º.

**Procedat ordo, qui nunc in usu est, usq. ad
An. 1666: inde initium sumat circulus hic de no-
vo constitutus et infra descriptus.**

A. D.

Quo in circulo vices habent.

Coll. Regal.	-	11	Coll. Caii	-	5
Coll. Trin.	-	11	Coll. Regin.	-	7
Coll. Joh.	-	11	Aul. Trin.	-	1
Coll. Petri	-	7	Coll. Sidn.	-	5
Coll. Magd.	-	5	Aul. Clar.	-	6
Aul. Pemb.	-	7	Aul. Cath.	-	4
Coll. Corp. X ^u .		5	Coll. Christi	-	7
Coll. Jēsu	-	5	Coll. Eman.	-	5

Singula Collegia Taxatores anno a sua nominatione Procuratorum proximo, et inde anno sequente Scrutatores nominabunt, et præsentabunt.

Edw. Rainbow, Procan.

Ja. Fleetwood	Jo. Pearson
Mar. Frank	Fr. Wilford
Th. Dillingham	Edm. Boldero
Ra. Cudworth	J. Lightfoot
Ri. Minshull	J. Beaumont
P. Gunning	Gul. Sandcroft.

Apr 19^o.

Of the Prævaricator & Tripos.

1667. 25. It is agreed at a meeting of the Heads, that in the stead of Prævaricator's usuall performances in the Majora Comitia, & of the Tripos in the first or latter Act of the minora Comitia, that the Prævaricators & Tripos respectively only maintain what part of a quæstion he pleaseth, & make a serious position to maintain it as well as he can; but shewing first his position to the V. Chan. & the Opponents without making any speech to bring their serious arguments. And if either the Prævaricator or the Tripos shall say any thing upon the pretence of his position, but

A. D.

what he hath before shewn to the V. Chan. & what he hath allowed; or any Opponent shall obtrude any sort of speech, or other arguments than serious & philosophicall, he shall be punis'h'd with the censure of expulsion. Or if any person to whom the V. Chan. shall send to require of him to undertake the office of such Answerer or Opponent in the majora or minora Comitia shall finally refuse it, he shall also be subjected to the same censure of expulsion.

Fr. Wilford, Procan.

Jo. Beaumont	Th. Dillingham
Jo. Pearson	Ri. Brady
Pet. Gunning	Jam. Fleetwood
Ri. Minshull	Edm. Boldero.

Feb. 8°.

1668. 26. It's agreed at a meeting in the Consistory by the V. Chan. & the greater part of the Heads whose names are here subscribed; that there be allowed to the Library keeper for the time being the sum of 35^{lb.} by the year, to be paid unto him by even portions quarterly by the V. Chan. beginning from Xmas last 1668, besides the usuall fees from the Commencers: he, the said Library keeper being to provide out of the same allowance one that he will trust under him; that so the publick * Statute lately made touching the Library keeper may be duly observed, & that ten pounds be given him extraordinary at present for the pains which he hath taken in setting the books in order. And for the writing the Cata-

Library keeper's salary 35^{lb.}
per An.

This was but 5
marks before.
V. Bucks Bo.

* Sup.

A. D.

logues, the University will take those into consideration, when they shall be finished.

Edm. Boldero, Procan.

Ja. Fleetwood	Peter Gunning
Rich. Brady	Rob. King
Jo. Spencer	Jo. Pearson
Jos. Beaumont	Ra. Cudworth
Rich. Minshull	Th. Dillingham.

Jul. 18.

Residence of
Scholars before
their first De-
gree.

V. Sup.

1681. 27. Whereas there have been formerly several Orders & Decrees made, to oblige young Scholars to constant residence in the University 'till they have taken their first Degree at least; which have of late years been quite neglected, to the great disadvantage of the Scholars themselves, as well as the dishonour of the University, it was, the day & year abovewritten, resolved & decreed by M^r. V. Chan. with the consent of the Heads of Colleges, who have signed this order, that according to an antient interpretation made in this case, if any person after his admission into any College in this University, shall not continue the greatest part of every Term (excepting only the first & the last) during the whole time of his 4 years, he shall not be capable of being admitted to his Degree with the rest of his year, or have the time of his absence accounted towards the accomplishment of that required necessary for his first Degree: And therefore the form of the Grace for that purpose shall be in the antient stile: *Supplicat Reverentiis vestris A. B. ut duodecim Termini completi in quibus ordinarias Lectiones audiverit (licet non omnino secundum*

A. D.

formam Statuti) per majorem partem cuiuslibet Terminii, una cum, &c. But if the discontinuance of such persons shall be occasioned by the plague's being at Cambridge, or by the sickness of himself, or any other necessity or lawfull cause, then every person so absent shall insert in his Grace exhibited to the University for his Degree the time & cause of his absence; & so committ the same to the good liking & approbation of the University. Furthermore, whereas it has been formerly decreed, that the Master of every College shall exhibit to the V. Chan. for the time being, a list or catalogue of the Christian & Surnames of all such, who in their respective Colleges shall be approved of to be presented to the V. Chan. & the University in order to admission to their first Degree, before the first Congregation, that shall be after the said approbation: It was on the day & year above-mentioned, resolved & decreed by M^r. V. Chan. & the Heads of Colleges before specified, that such a Catalogue under the hands & seals of the Masters of the several Colleges, or in their absence, under the hands & seals of their Presidents, Deputies, or Vicegerents, shall for the future be duly presented to the V. Chan. for the time being, at the time appointed: in which list so presented, the said Masters, or in their absence, their Presidents, Deputies, or Vicegerents, shall signify & attest, that the persons, whose names are therein contained, have all continued in the University according to the tenor & meaning of this interpretation and Decree, as appears to them, after a diligent & faithfull examination made by themselves, or their order, of the Tables, books of

V. Sup.

STATUTES, &c.

A. D.

Commons, or Stewards books, or such other Registers, which in their respective Colleges can give true testimony in that matter.

Provided, that nothing in this Decree contained, shall be interpreted to extend to any discontinuance already past; and therefore those words now order'd to be restored to the Grace *per maiorem partem cujuslibet Termini*, are to be understood only of so many Terms as he that applies for his Degree hath spent since the day of the date of this Decree.

Humf. Gower, Procan.

Jo. North	Jo. Spencer
Jo. Eachard	W ^m . Saywell
Jo. Beaumont	R. Brady
S. Blithe	Ra. Cudworth
Jo. Balderston	Tho. Exton
Ri. Minshul	Nath. Coga
H. James	Jo. Peachell.

A. D.

1686. 28. Academia in
alimoniam solvit

Solutions in
panperum ali-
moniam.

Coll. Trinitatis -
Coll. Regale - -
Coll. S^t. Johannis
Coll. Christi - -
Coll. Gonv. et Cai
Coll. Reginale -
Coll. Emanuelis -
Coll. Petri - - -
Coll. Jesu - - -
Aulæ Claræ - - -
Aula Trinitatis -
Coll. Magdalene
Coll. Sidneyense
Aula Pembrochiae
Coll. Corp. Christ
Aula Catharinæ -

Sum

£. s. d.
Per An. 126 08 00

Dec. 19^o.

1672. 29. Whereas there is some doubt of the sense & meaning of some words, in the Deed of Settlement of Mr. Rustat's gift to the Library, relating to the time when, & the persons to whom the Account thereof is to be given: We the V. Chan. & Heads of the University, whose names are hereunto subscribed, do conceive it most agreeable to the meaning of the Donor, that the said Account should be given at the time of the University Audit, to the Auditors of the common chest, in a distinct book to be kept for that pur-

The Account of
Mr. Rustat's
gift to be set-
tled at the Au-
dit.

STATUTES, &c.

A. D.

pose; and that all the former Account relating to the same shall be transcribed into the said book.

W^m. Wells, Procan.

Ja. Duport	The. Dillingham
Rob. Mapletoft	Ro. King
Jos. Beaumont	Ri. Minshull
Joh. Pearson	Joh. Breton
Ja. Fleetwood	Jo. Spencer
Edm. Boldero	Rob. Brady.

From Tabor, f. 114.

Feb. 11,

No Scholar to
enter any scan-
dalous house
in Barnwell.

1675. 30. Whereas there hath been lately much complaint of disorders committed at Barnwell, & that divers houses there are become infamous for harbouring lewd women, drawing loose Scholars to resort thither: It is order'd & decreed by the Heads of Colleges, whose names are underwritten, that hereafter no Scholar whatsoever (except Officers of the University, performing their duty in searching houses) upon any pretence whatsoever, shall enter into the house of Francis Harvey, or of W^m. Butler, or of W^m. Larkin, or of Edw. Davies, or of John Clark, or into any other House of bad report in Barnwell: And that if any Scholar shall presume to disobey this decree, he shall for his misdemeanour & contumacy be immediately expelled from the University.

Isaac Barrow, Procan.

Tho. Page	Ri. Minshull
Jo. Beaumont	Ra. Cudworth
Jo. Spencer	John Eachard

A. D.

Rob. Mapletoft Ro. King.

Th. Dillingham

From Tabor, f. 729.

Ap. 25°.

1678. S1. Order'd & decreed, that no man shall be dispensed with for his exercises for the Degree of D^r. in Divinity, before he deposite in the V. Chancellor's hands a Caution of 40^{lb}. for the performance of his Acts ; & 6^{lb}. for the performance of his Clerum ; & 40^l. for his Sermon ; & 40^l. for his Oppositions, & 40^l. for his Determination.

Cautions settled.
V. inf.

And that none who are to proceed D^r. in Law or Physick shall be dispensed with for their respective exercises, unless they put into the hands of the V. Chan. for the time being a Caution of 30^{lb}. for the performance of the same.

Order'd also at the same meeting, by the persons aforesaid, that the entertainment to be given by the D^r. in Divinity answering the Act in Vespériis Comitiorum, shall not be made, 'til all the Academick exercises of that day be performed.

And likewise, that no Candidate for the Degree of D^r. in Divinity shall be admitted to the said Degree unless his Grace be propounded to the University at or before St. Barnabas day.

Tho. Holbech, Procan.

Tho. Page	Nath. Coga
Ra. Cudworth	Jo. Beaumont
Jo. Eacbard	J. Spencer
Ri. Minshull	Hen. James.

Th. Dillingham

From Tabor, f. 668.

About Sophis
treats, & their
Exercise.

A. D.

May 9°.

1680 .32. Whereas by several Statutes & Orders, very severe punishments have been often threatned against such, who performing exercise in the Sophisters Schooles should on that occasion be at any expence: It is agreed & absolutely determined at a meeting of the Heads, whose names are here subscribed, that if any one shall give, or accept of any treat, gloves, or other present, at any time, upon the forementioned account, he shall certainly be stopped from taking the Degree of Batch. of Arts for one whole year after such offence: And likewise, that the same punishment shall be as certainly inflicted upon those who shall obstinately neglect to perform such exercises as are required of them by the Proctor.

Jo. Eachard, Procan.

Th. Page	Hen. James
Ra. Cudworth	Rob. Brady
Nath. Coga	Jos. Beaumont
W ^m . Saywell	H. Gower
Th. Holbech	S. Blythe
Jo. Spencer	J. Peachell.

From Tabor, f. 725.

That Scholars
wear their pro-
per habits, &
no morning
gowns.

Jun. 3°.

1681. 33. Whereas several Under-graduates & Batchelors of Arts have of late neglected to wear such gowns, as by order & custom are proper for their rank & standing in the University, whereby the common distinction of Degrees is taken away, upon which have followed many & very great inconveniencies: It was this day in Consistory

A. D.

resolved, order'd, & decreed, by the V. Chan. with the consent of the Heads of Colleges, whose names are underwritten, that none residing in the University, under the Degree of Master of Arts, shall hereafter, upon any pretence whatsoever, be allowed to appear publickly, either in or out of Colleges, in morning gowns, or gowns made after that fashion, or any other, but what by order & custom of the University belongs to their Degree & standing: And that if any shall presume after the feast day of St. Barnabas, next following the date of this Decree, to act contrary to the tenor of it, he shall be proceeded against, & punished with all the severity that such disobedience & contumacy will deserve.

Dr. Gower, V. Chan.

S ^r . Tho. Page	Dr. Saywell
D ^r . Eachard	M ^r . Balderston
D ^r . Peachell	Dr. Spencer
D ^r . Beaumont	Dr. Blythe
D ^r . James	Dr. Brady.

From Tabor, f. 480.

Jan. 17°.

1683. 34. Decretum fuit, A. D. 1581, die vero mensis Feb. 27°. in Consistorio Almæ Universitatis Cantab. autoritate et consensu Dris Gul. Fulk S.T.P. et dictæ Universitatis Procan. Doctorum, Pern, Styll, Goade, Howland, Norgate, et Harvey, et Magistrorum Tyndal & Barwell; quod nullus alicujus Collegii Præpositorus deinceps alicui Gratiae sive Petitioni subscriberet nisi in Academia; idq. in præsentia octo ad minimum præfatorum Præpositorum conferentium et consentientium

Gratiæ a Præ-
positis quomo-
do subscriben-
da.

A. D.

super eadem Gratia sive Petitione, sub pæna 20°. legalis monetae Angliæ, solvendorum ad opus et usum Academiac per quemlibet qui huic Decreto contravenerit, aut sigillatim, aut seorsim hujusmodi Gratiae sive Petitioni subscriperit; Nisi hujusmodi causa contigerit, quæ moram non patiatur, et quidam Præpositorum morbo aut ægritudine domi detineantur, quo minùs præsto esse possint, quæ causa per majorem partem dictorum Præpositorum, (quorum Procan. sit unus) cum proximè post hujusmodi subscriptionem convenerint, approbabitur.

Hen. James, Procan.

Jo. Beaumont	Nath. Coga
Humf. Gower	S. Blithe
J. Peachell	Jo. Spencer
Ra. Cudworth	Gul. Saywell.

Renovatum est hoc decretum, Jan. 17°.
1683.

May 26°.

Barnaby Lecturers to be of
the Proctors &
Scrutators
Collⁿ.

1684. 35. For the preventing all disputes & canvasses for the future, that may arise about the choise of the *Ordinary Lecturers*, it is hereby resolved & decreed by M^r. V. Chan. & the Heads of Colleges whose names are here under-written, that the said Lecturers be chosen out of the Colleges in which the Proctors & Scrutators are for that year nominated & first elected into those offices.

Hen. James, Procan.

Jo. Beaumont	S. Blithe
Jo. Spencer	Jo. Balderston
Jo. Peachell	John Copleston
Ra. Cudworth	W ^m . Saywell.

A. D.

Sept. 19,

1684. 36. It is decreed & resolved by M^r. V. Chan. & the Heads of Colleges, that no Grace for the Degrees of Batchelors of Law or Physick be admitted of for the future, except for such only as have made their residence in some College the greater part of nine several Terms at least; & that such residence be attested under the hand & seal of the Masters of the Colleges concerned, or their deputies, as in the Case of Batchelors of Arts.

Hen. James, Procan.

Jo. Montagu	S. Blithe.
Ra. Cudworth	Ri. Minshull
Nath. Coga	Jo. Eachard
Tho. Exton	Humf. Gower.
Jo. Spencer	

Ap. 11,

1690. S7. It is agreed by M^r. V. Chan. & the Heads of Colleges, that the Cautions appointed for Degrees May 26, 1684, be for the several Exercises thus specified:

	£. s. d.
That they who commence Doctors in Divinity per Saltum, deposite for the Exercises of D ^r . of Divin.	1. Sermon 2 0 0 1. Act - 46 0 0 2. Opposit. 2 0 0 1. Clerum 10 0 0 1. Determ. 2 0 0
	<hr/>
	Sum 62 0 0

Batch. of Divinity's Cau- tion for Doctor in Divinity	1. Sermon 2 0 0
	1. Act - 36 0 0
	2. Opposit. 2 0 0
	1. Clerum 10 0 0
	1. Determ. 2 0 0

STATUTES, &c.

A. D.

		£. s. d.
M ^r . of Arts in holy Orders for Doctor in Law	2. Acts & the like proportion for one. 1. Opposit.	49 0 0 50 0 0
Batch. in Law	1. Act -	20 0 0
Batch. in Physick	1. Act - 1. Oppos.	19 0 0 20 0 0
Bac. Theol. 20 ^{lb} .	1. Sermon 1. Act - 1. Opp. - 1. Clerum	2 0 0 10 0 0 2 0 0 6 0 0 20 0 0

Ja. Johnson, Procan.

Humf. Gower	Rob. Brady
Jo. Covel	Nath. Coga
Ch. Roderick	Will. Saywell
Jo. Eachard	Gab. Quadring.
J. Balderston	

Nota, quod pro quolibet sigillo Com. habet Procan. 4^d. Procur. 8^d. Scrutat. 8^d. Bedell. 12^d. Registrar. 4^d. et pro scripturâ cujuslibet Indenturæ secundum prolixitatem ejusdem.

Item, Stationarii, sive Appretiatores Academiacæ pro appretione Bonorum cuiuslibet defuncti, vel aliorum ex mandato Judicis Universitatis habet de consuetudine 2^m pro qualibet librâ.

A. D.

Sep^t. 23^o.

1718. 38. Whereas in a Case now depending between two Doctors of this University, it has been suggested, that the V. Chan. has no authority to summon by Decree or otherwise a Doctor or Master of a College; or to oblige him to submit to his Judgment in any Cause under the penalty of Imprisonment, without the consent of a majority of the Heads: Wee whose names are underwritten, Heads of Colleges, do declare, that we know of no such privilege belonging to Doctors, or Heads, in Pleas of Right between Party & Party: &, as we do detest for ourselves any such claim to the obstruction of common Justice, so to cut off all pretence of it in others, we do approve & consent to the V. Chancellor's summoning any Doctor or Head of a College, being party in such a Cause, & to compell him to submitt to his determination, even by imprisonment, if need require.

T. Gooch, V. Can.

John Covel	R. Jenkin
Edw. Lany	Tho. Sherlock
W ^m . Grigg	C. Ashton
Tho. Richardson	Jo ⁿ . Balderston.

1728. 39. It is order'd & decreed by M^r. V. Chan. & the Heads of Colleges, upon Interpretation of part of the Statute *De modestia et urbanitate morum*, that if any scholar shall at any time resort to any Tavern or other publick house otherwise than the Statutes do allow, he shall forfeit 1^l. 8^d. If after the statutable time of locking the gates, 3^r. 4^d. If at a more unseasonable hour, or dis-

Penalties for
being at Ta-
verns & Pub-
lick-houses.

A. D.

order'd in liquor, he shall, besides the other penalties, be admonish'd by the V. Chan. which Admonition shall be entred in a book kept for that purpose; & after three admonitions be expelled.

That if any number of Scholars, under pretence of being of the same year, School, or County, or otherwise, shall be found assembling together at any publick house, they shall, upon conviction thereof, beside the former penalty of ♂. 4^d. be suspended from taking any Degree 'til one whole year after the usuall time of taking the same.

That if any member of the University, of what Degree soever, shall by any pretended power or authority offerr to protect any Scholars from the inspection or correction of the Proctor in any publick house; or if he himself, at the instance of the Proctor, or his repeated admonition, shall not civilly depart, he shall be looked upon as a contemner of discipline, & contumacious, & be proceeded against accordingly.

LITERÆ REGIÆ.

Jul. 23°.

1604. 1. JAMES by the Grace of God King of England, &c. to our Chancellor & V. Chancellor of our University of Camb. in the town of Camb. & to all & singular our Justices of peace, Mayors, Sheriffs, Bailiffs, Constables, Jaylors, & to all others, our ministers & officers within the said University & town of Cambridge, & county aforesaid, Greeting.

For the better maintenance, safety, & quiet of that our said University, & all & every the students there: & to remove, take away, & prevent all occasions that may tend either to the infecting of their bodies or minds, or to the withdrawing or alienating the younger sort from the courses of their studies there intended: We do by these presents authorise, will, & command you our said Chancellor & V. Chan. of our said University, & either of you, & your successors; & the deputy or deputies of you & your successors, that you do from time to time for ever hereafter, by virtue hereof, wholly & altogether restrain, inhibit, & forbid, as well all & all manner of un-

To prohibit idle
games & plays.

A. D.

profitable & idle games, plays & exercises, to be used or made within our said University & the town there, & within 5 miles compass of & from the said University & town; especially Bull-baitings, Bear-baitings, common plays, publick shews, interludes, comedies, & tragedies in the English tongue, games at Loggetts, & nine-holes, & all other sports & games, whereby throngs, concourse, & multitudes are drawn together; & whereby the younger sort are or may be drawn or provoked to vain expence, loss of time, or corruption of inmanners: As also all & all manner of persons, that shall goe about to publish, act, or sett out, or make any such unprofitable or idle games, publick plays, or exercises, within the said University or town, or within 5 miles compass of or from our said University or town (any indulgence, privilege, liberty, or authority, by us granted or to be granted to any our officers or servants, or any other person or persons whomsoever to the contrary in any wise notwithstanding). Provided, that it is not our will, pleasure, & meaning hereby to abridge the Students of their accustomed exercises in any kind whatsoever within their severall Colleges. And if any person or persons, under colour, pretence, or vertue of any licence or authority by us or any other whomsoever graunted or to be graunted, or by any other means, colour, or pretence, shall resist or refuse peaceably to obey your commands herein, then our will & pleasure is, & we do hereby authorise you, our said Chancellor & V. Chan. of our said University, & either of you, & your successors, & deputy or deputys of you & either of you & your successors from

A. D.

time to time, to apprehend all & every such offendours, & them to committ to prison, either in the castle of Cambridge, or any other goale within the town of Cambridge, there to remain without bail or mainprise, untill they shall willingly submitt themselves to your said commands; & abide such further order therein as to you in your discretion shall be thought meet. Willing & by these presents commanding all you our said Justices of Peace, Mayors, Sherriffs, Bailiffs, Constables, & Jaylors, & all other our said Ministers & Officers, that upon intimation & shew of this our will & command herein, you, & every of you, being required thereto, shall be aiding & assisting to our said Chancellor & V. Chan. of our said University & their Successors, & their, or either of their deputy or deputys, from time to time in the due execution of the premises, according to the purport & true intent thereof, as you will answer the contrary at your perill.

Given under our signett, at our palace of Westminster, the 23^d day of July, in the 2^d year of our reign of England, France, & Ireland, & of Scotland the 37^u.

Feb. 26°.

1616. 2. Jacobus Dei Gratia magnæ Britannie, Franciæ et Hiberniæ Rex, Fidei defensor, &c. Academiæ Cantab. communi salutein. Si jus civitatis impetret a nobis Cantabrigia, veremini, ne, æmulæ urbis potentia crescente, minuatur Academiæ securitas. Sat erat apud nos metus vestri indicium fecisse. Nec enim tam vobis convenit Academiæ periculum deprecari, quam nobis sponte nostrâ, quicquid in speciem illi noxium sit, aver-

That Cambridge be not made a city.

A. D.

tere. Glorietur urbs illa se a majoribus nostris olim electam doctrinarum sedem, ingeniorum officinam, sapientiae palæstram: quicquid his titulis addi potest, minus est non: honestatur plebeia civitatis appellatione Musarum domicilium: vel sane literatorum dicatur civitas; vel quod in Villæ nomine vile est, incolarum tegatur celebritate. Hæc ejus sint privilegia; Academiæ dignitatem comitè observare, cuius frequentia facta est seipsâ major; affuentes bonarum artium studiosos amicè accipere, quorum concursu ditta est; literarum deniq. honori ancillari, unde hæc illi nata est felicitas. Hæ artes, quibus crevit, tenendæ; non aucupanda titulorum novitas incerti eventus. Fcessat popularis vocabuli fastus, unde certa oriatur æmulationis necessitas, quæ eo turpior urbi est futura, quo majori erga Academiam est obstricta reverentia. Nolumus sacrum illud Musarum asylum minaci Prætoris ense temerari; nec strepere tetrica edicta, ubi septem-geminus vestri Chori auditur concentus: Satis est in veteri purpurâ invidiæ; nova pompa tam illi futura est supervacua, quam vobis suspecta. In nostrâ solius tutelâ est post Deum Opt. Max. alma scientiarum mater; nostro fovebitur sceptro; indefessa ejus fæcunditas non-abortiet ad Prætorii gladii terriculum; nullum honoris titulum Cantabrigiæ indulgemus, qui cum Academiæ solicitudine conjunctus sit. Valete.

Dat. è palatio nostro Westmonasterii
quarto Calendas Martias, A. D. 1616.

A. D.

Dec. 12.

1616. 3.

To the right worshipfull Dr. Hills, Master of Cath. Hall, & V. Chancellor of Cambridge.

Good M^r. V. Chan. I have sent you his majesties hand to his own directions: I think you have no president, that ever a King, first with his own mouth, then with his own hand, gave such directions; & therefore you shall do very well to keep that writing curiously, & the directions religiously; & to give his Majesty a good account of them carefully; which I pray God you may; & so with my love to yourself & the rest of the Heads, I commit you to God.

The King's directions to the University.

From Court, this 12 of Dec. 1616.

Your very loving Friend,

JAMES WINTON.

JAMES REX.

His Majesty's directions to the V. Chan. & Heads of Houses in the University of Cambridge, given by himself to Dr. Hills, V. Chan. Dr. Richardson, M^r. of Trin. Coll. to Dr. Carey, Dean of St. Paul's, Dr. Davenant, M^r. of Queen's, Dr. Guynne, M^r. of St. John's, on Dec. 3^d. 1616, at Newmarket.

1st. His Majesty signified his pleasure, that he would have all, that take * any Degree in schools to subscribe to the three Articles.

* Only Batch^o. of Divin. & all Doctors were to do this by Gr. 1613.

2^{dly}. That no preacher be allowed to preach in the town, but such as are every way con-

Sup.

A. D.

formable both by subscription & every other way.

3^{dly}. That all Students do resort to the sermons at S^t. Mary's, & be restrained from going to any other Church in the time of S^t. Mary's sermons; & that provision be made, that the sermons in S^t. Mary's be diligently performed both before noon & after noon.

4^{thly}. That the new seats be removed, & that the Doctors sit in the Church as they were anciently wont to do, & that provision be made for some convenient place for the sons of Noblemen.

5^{thly}. That the ordinary divinity act be constantly kept with three replyers.

6^{thly}. That there be a great restraint for Scholars haunting town houses, especially in the night.

7^{thly}. That all Scholars both at Chapell, & at the schools keep their scholastical habit.

8^{thly}. That young Students in divinity be directed to study such books as be most agreeable in doctrine & discipline to the church of England: & excited to bestow their time in the fathers & Councils, Schoolmen, historys & controversies; & not to insist too long upon compendiums & abbreviations, making them the ground of their study in Divinity.

9^{thly}. That no man either in Pulpit or in Schools be sufferr'd to maintain dogmatically any point of doctrine, that is not allowed by the Church of England.

Lastly. That M^r. V. Chan. & the two Professours, or two of the Heads of houses, do every Michaelmas, when his Majesty resorts

A. D.

into these parts, wait upon his Majesty, & give his Majesty a just account how these his Majesties instructions are observed.

JAMES REX.

4. Whereas it is held, that the ecclesiastical jurisdiction of our University of Cambridge, & of all the students & members of the Colleges there, belongeth to the Chancellor, & in his absence to the V. Chan. & the subordinate ministers of the University: & that neither the Bishop of Ely, nor any of his Officers, nor any other ordinary hath jurisdiction over the University, or the students & members thereof, as they are Collegiates; except in case of speciall visitations; which privilege of our University we are not willing to have infringed: yet finding it most necessary, that the Laws, Canons, & Constitutions, Rites, & received laudable customs of our Church, should there especially be observed (it being one of the principal seminaries of this state for church & commonwealth); We do require the Chancellor, & in his absence the V. Chan. of our said University, together with the Heads & all others to whom it doth or may appertain, carefully themselves to observe, & to see that others do observe the ensuing articles: & to be able from time to time to give us a good account of the performance thereof, upon peril of our high displeasure, & of such penalty, as the law in that case may justly inflict.

Injunctions
about matters
of Religion.

First, we do command, that all the ecclesiastical Laws, Canons, & constitutions of this our Church of England, so far forth as they concern divine service, be duly observed in all & every

STATUTES, &c.

A. D.

the Colleges, without immutation, upon any pretence of local statutes whatsoever.

Item, that all things heretofore given by us hitherto in charge be duly observed & performed, & that they be ready to give us such account thereof in due time, as heretofore we have directed.

Item, whereas it is & hath been the antient custom of that our University, to forbear the accustomed University sermons on Christmas day, Easter day, & Whit Sunday on the forenoon, in regard, that in the several Colleges there are, or ought to be had, common prayers, a Sermon, & a holy Communion administered, to which the Master, Fellows, & Scholars, should resort in their several Colleges: We do require, that our said Chancellour, & in his absence the V. Chan. & others to whom the Ecclesiasticall Jurisdiction of the University is pretended to belong, & every Master in his private College do so provide, that on the said three festivalls there be had the divine service, as it is by the book of common prayers appointed for the said several feast daies: & that a Sermon & Communion be had on the said several daies; & that all the members & students of the severall Colleges repair to the Chapells of the said Colleges, there to participate in the divine service, & to communicate in the holy Sacrament: from which divine service & Communion no member or student of any such College shall be permitted to absent himself, unless upon some just & necessary occasion thought fit to be allowed of by the Master & Deans of the College for the time being.

Item, that all communicants do take the Communion kneeling, according to the form pre-

A.D.

scribed in the book of common prayer, & the Canons of this our Church of England, & not otherwise: And that the laudable custom of coming to Chappel in Surplices & Hoods, according to their Degree, upon the accustom'd days, be observed by all the Masters, Fellows, Scholars, & Students of all Colleges ; & that they so continue in their Surplices & Hoods at all times during the time of common prayer & sermon, & administration of the sacrament.

Item, we do command, that no sermons or lectures be had in any parish Church of the town, except in case of a funeral, or the like necessary & extraordinary occasions, on Sundays & holidays, but betwixt the hours of nine & eleven in the forenoon, & one & three in the afternoon ; that there may be no interruption of the divine service in the parish Churches betwixt the hours of 3 & 4; nor pretence for scholars absenting themselves from catechising in their Colleges, to be had betwixt the hours of 3 & 4 ; nor from their common prayers, which are to be betwixt the hours of 4 & 5 on Sundays & holydays.

Item, we do require & command, that the commendable use of chatechising in Colleges betwixt the hours of three & four on Sundays & holydays be carefully & duly observed : to which, we require due care to be had, that those of the College, especially under the Degree of Masters of Arts, be compelled to resort.

Item, we do command, that no new-erected lectures, or sermons, be perunitted in any parish Church of the town, that may withdraw scholars from the catechising & divine service in their

A. D.

Colleges on Sundays & holidays, or on the week days, being no holidays, to withdraw Scholars from their attendance at the exercises of learning, lectures, disputations, determinations, or declamations, either publick or private: And for that the jurisdiction of the town & parish Churches is pretended to belong to the Bishop of Ely, & his officers; we do require of him & them, that they be in all things carefull on their part to observe the directions, so far forth as concerneth them; & also be aiding & assisting to the Chancellour, V. Chan. & officers of our University for the better observation of these our commandments in the parish Churches: And that no Fellow, Student, or member of any College, of what Degree or condition soever, not having cure in the same Church, be permitted to read any ordinary lecture or preach any ordinary sermons on set days in any parish Church in the town, except in St. Maries, unless he be legally authorized thereunto. Wherein we think it fit, that as the party is a Collegiate, he should obtain allowance from the Chancellor or V. Chan. & as he is to preach in a parish Church of the Bishop of Ely's jurisdiction, he may not do it but by the Bp.'s licence.

Item, we do forbid that women of the town be permitted to repair to the Chappel of any College, to common-places, or other exercises of divinity, unless it be in case of an English sermon ad populum, for which the bell of such College is rung, or to the ordinary prayers in King's College Chappel.

Item, we do require & command that upon the discovery to the Chancellour or V. Chan. for

A. D.

the time being, of any contempt & breach of order by law & laudable custom required; or of any fancifull conceipt, savouring of Judaism, Popish superstition, or Puritanism, disagreeing from the laws & approved customes of our Church of England; that the same be in due time speedily & carefully checked, & reformed; that it be not suffer'd to take root & grow up to the distraction of our subjects, or violating the unity of our Church. And we do impose the same charge in the like occasion or occasions, upon every Head & Master of a College in our said University. And we do impose the same commandment of these our directions concerning Colleges, that have special visitors appointed them, in whom the ecclesiasticall jurisdiction is upon the said Visitors, whosoever they be, which we have before imposed upon the Chancellour & V. Chan. of our said University for the time being.

Lastly, we do command that a copy of these our directions be deliver'd to the Master of every College, requiring that he deliver the same or a copy thereof to the special Visitor of his said College, where any such are appointed, other than the Chancellour or V. Chan. aforesaid; that he may see these our ordinances & commands duly observed. And howsoever we deliver this admonition in general terms, our will is not that the same be understood as an aspersion upon the whole University of inconformity, but rather as an encouragement to those Colleges & governours, that, according to duty, keep order; & as an injunction for speedy reformation in such as are culpable.

154
STATUTES, &c.

A. D.

Qui monet, ut facias, quod jam facis, ipse
monende
Laudat, et hortatu comprobat acta suo.

Mar. 4th. CHARLES REX.

1629. 5. His Majesty's Injunctions, orders, &
directions, to the V. Chan. & Heads of
houses in the University of Cambridge,
to be duly published for the better go-
vernment of the same University.
Given at the Court of Newmarket this
fourth day of March, An. Dni 1629.

First, that all those directions & orders of our
father of blessed memory, which at any time
were sent to our said University, be duly ob-
served, & put in execution.

Secondly, that whereas we have been inform-
ed, that of late years many Students of that our
University, not regarding their own Birth, De-
gree, & Quality, have made divers contracts of
Marriage with women of mean estate, & of no
good fame in that town, to their great disparage-
ment, the discontent of their parents & friends,
& to the dishonour of the government of our
University: We will & command you, that at all
times hereafter, if any taverner, victualler, or In-
holder, or any other inhabitant of that town, or
within the jurisdiction of that University, shall
keep any daughter or other woman in his house,
to whom there shall resort any scholars of that
University of what condition soever, to mispend
their time, or otherwise to misbehave themselves,
or to engage themselves in marriage without the
consent of those that have the Guardianship &

A. D.

tution of them; that upon notice thereof, you do presently convene the said Scholars, & the said woman or women, thus suspected, before you; & upon due examination if that you find cause therefore, that you command the said woman or women (according to the form of your Charter against women *de male suspectas*) to remove out of the said University, & four miles of the same: And, if any refuse presently to obey your commands, & to be order'd by you herein, that then you bind them over with surety's to appear before the Lords of our Privy Council, to answer their contempt, & such matters as shall be objected against them, & if any refuse to enter such bonds, that you imprison them, 'till they shall either remove, or put in such bonds with surety's.

Thirdly, that you be carefull that all the Statutes of our University be duly executed, especially those *de vestitu Scholarium, et de modestia et morum urbanitate*. And whereas we are informed, that Batchelors of Law, Physick, & Masters of Arts, & others of higher Degree, pretend, that they are not subject to your censure, if they resort to such houses as are mentioned in the said Statute, to eat, drink, or play, or take tobacco, to the mispending their time, & to the corrupting of others by their ill examples, & to the scandalizing of the government of our said University: Our will & pleasure is, by these presents, that you do also command them, & every of them, that they forbear from coming to any such houses, otherwise, or at other times, than by the said statute they of inferiour order & degree are allowed to do, any statute or con-

A. D.

cession to the contrary whatsoever notwithstanding: &, if any refuse to obey you herein, that you proceed against them as contumaces; &, if there be cause, that you also signify their names to us, or to the Lords of our Privy Council.

. Fourthly, that you do severely punish all such of your Body, of what degree or condition soever, as shall contemn their superiors or misbehave themselves either in word or deed toward the V. Chan. or the Proctors, or any other officers of our University, especially in the executing their office.

Lastly, we will & command, that a copy of these our directions be deliver'd to the Master of every College; & that he cause the same to be published to those of his College, & then to be register'd in the Registers of their Colleges, & duly observed & kept by all persons, whom they may concern.

Feb. 6^o.

1660. 6.

CHARLES REX.

Instructions for the Vice-Chancellor & Heads of our University of Cambridge.

First, that all the directions & orders of our father & grandfather of blessed memory, which at any time were sent to our University of Cambridge, be duly observed & put in execution, especially such as concern obedience & due respect to be given by all persons of that body to their superiors & governors, the officers of that our University: Also such as concern the restraint of such as hold lectures, or preach in any parish Church in the town of Cambridge, with-

A. D.

out that due order therein, that is appointed by the aforesaid directions.

Furthermore, that there be a review made of all licences for University preachers, which have been granted in these disorderly times, since the beginning of the year 1645. And that all such licences be called in by the V. Chan. & the persons so licensed put again to be approved by the vote of the present University, assembled in congregation; or if rejected, then others to be chosen in their places.

Given at our Court at Whitehall, the 6th day of Feb. in the 13th year of our Reign,
An. Dni 1660.

By his Majesty's command,

EDWARD NICOLAS.

Aug. 3^o. CHARLES Rex.

1661. 7. Whereas the Masters, Fellows, & Scholars of S^t. Mary Magdalen College, Emanuel Coll. & Sidney Sussex Coll. in our University of Cambridge, have made it their humble suit unto us, that of our princely Grace, & by our Royall Authority, their several Colleges might be admitted to have equall privileges with the rest of the Colleges in that our University, for the nominating & presenting Proctors, Taxors, & Scrutators successively, unto which at the making of the Statute for the nomination of the said officers, they could not be admitted, two of the said Colleges being not then founded, & the other at that time in a very low condition, from which it hath been since recovered; in consideration of That Coll.
Magd. Eman. &
Sid. be taken
into the new
Cycle for Pro-
ctors, Taxors, &
Scrutators.

A. D.

which, & out of our readiness to contribute our endeavour, as well for the encouragement of Learning, as the greater tranquillity of our said University, we have thought fit to gratifie this their request, & do hereby signify our Royall will & pleasure, that the said three Colleges of S^t. Mary Magdalene, Emanuel, & Sidney, have from henceforth equal privileges with the rest of the Colleges in that our University, of nominating & presenting Proctors, Taxors, & Scrutators successively, according to such proportion & order as shall be judged by the V. Chan. & major part of the Heads of the University, who shall also apportion the burdens & duties, which they with the rest of the Colleges shall bear & perform. And that in the interim, for the better preserving the Peace of the University, the late *Circle, by which these three with the other Colleges have had their courses, shall remain & be obserued: any thing contained in the Statutes of our said University notwithstanding; Whereof the V. Chan. & the Heads of houses of our said University now & for the time being, & all others whom it may concern are to take notice, & govern themselves accordingly.

*Confirmed by
the Committee
for Reforma-
tion of the Uni-
versity, 1660.

Given at our Court of Whitehall,
Aug. 5th. in the 13th year of our
reign 1661.

By his Majesty's command,

EDWARD NICOLAS.

A. D.

Feb. 19^o. CAROLUS REX.

1666. 8. Carolus secundus Dei gratia Angliae, Scotie, Franciae, et Hiberniae Rex, Fidei defensor, &c. dilectis nostris subditis Cancellario & Scholaribus inclyptae nostre Universitatis Cantab. tam presentibus quam futuris, alijsq. omnibus, ad quos præsentes literæ pervenerint, salutem & gratiam nostram regiam.

Cum ex majorum instituto solennis & annua esse debeat in istâ nostrâ Universitate Baccalaureorum professio die Mercurii, primum Dominicum Quadragesimæ præcedenti, quo die certè vertentis jam anni Quæstionistæ (nisi cum extremo discrimine) produci non possunt; Nos (ut humanos casus excipiamus, et bonæ spei alumnos in tempore consulamus) legem in hac parte nimis definitam interpretatione nostra censemus amplificandam, sicut et per præsentes eam amplificamus, et amplificatam porro volumus ad hunc modum: Quod si vel nunc temporis vel etiam olim, qui respondere Quæstioni teneantur, per grassantem in oppido contagionem ad diem Cinerum adesse nequeunt; suum nihilominus ordinem quisq. sine ulla vel dignitatis vel anni jactura retinebunt; Nam licere decernimus Academiæ Cancellario, Procancellariove, quotannis si videtur, aut saltem quoties Cantabrigiæ pestis imminebit, statam illam Baccalaureorum professionem differre, et inaugurationem in aliam atq. aliam diem pro arbitrio suo prorogare.

Dabantur in Palatio nostro Westmonasterii, die Feb. 19^o. An. Dni 1666,
Regni vero nostri 18^o.

Ad Mandatum S^u. D^r Regis.

ARLINGTON.

To defer the
Profession of
Batch. of Arts.

STATUTES, &c.

A. D.

Jan. 3^o.

CHARLES REX.

About Oppo-
nencies in Di-
vinity.

1667. 9. Whereas by the Statutes of our University of Camb. & injunctions given both by our father & grandfather of blessed memory, & confirmed by ourself, the ordinary Divinity Act or Disputation is to be performed by three opponents, & an account thereof is to be returned to our self: & whereas we are given to understand, that notwithstanding the said statutes in that behalf made, many of late years not tending either the honour of that our University, or their own repute, have so far neglected their duty therein, as that there is seldom above one opponent or two, often not any; or but one of those appointed in course; but such only as the respondent can procure: We therefore, out of our princely care to preserve that good esteem, which that our University hath formerly had both at home & abroad; & the better to promote the study of Divinity by the due performance of exercises therein, have thought fit to make & establish this following order to be observed by all whom it may concern, as a statute of our said University, that is to say, that every person appointed in Course to oppose at the ordinary Divinity Act, not performing his duty therein, shall be punished 10^o. and moreover shall stand obliged under the same penalty to oppose at the next Divinity Act, & so from time to time; until such time as he shall either perform the duty in his own person, or procure some other in his stead, upon just cause to be approved by the V. Chan. of our said University for the time being, our Professor in Divinity, & the Master of the College of which such opponent is.

A. D.

And our further will & pleasure is, that this our order be published at a Congregation of our said University, & enter'd among the Statutes of the same.

Given at our Court of Whitehall this 3^d of Jan. 1667, in the 19th year of our Reign.

By his Majesty's command I send you this to be published to the University.

MANCHESTER.

Lect. & Public. per Drem Howorth
in plena Congrega'. Reg. & non-
Reg. Jan. 17°.

Jul. 15°. CHARLES REX.

1668. 10. Right trusty & wellbeloved Cousin & Counsellor, & trusty & wellbeloved, we greet you well: Whereas upon our late happy Restauration to our just rights, there were persons of eminency as well for their Learning & standing in our University of Cambridge, as their sufferings for us & with us in the common calamitys of the time, We thought fit, as a speciall mark of our Royall favour, to conferr Degrees upon them, without oblidging them to those exercises, which the Statutes of our said University require: But since those worthy persons have had the benefit of our princely favour, we have thought fit to declare it our will & pleasure, that all persons who at any time hereafter shall come to you with our letters mandatory for a Degree in any science or faculty, shall before their admission thereunto personally subscribe in the common form &

Mandate De-
grees not ex-
empt from ex-
ercise & fees.

STATUTES, &c.

A. D.

words, & pay such customary fees & dutys, as other candidates for their respective Degrees usually do, & also perform such acts & exercises as by the statutes of that our University are enjoined, or else put in real & sufficient caution for performance of the same in such time as you shall judge convenient, or their occasions (if any of them shall be employed in our service) may well permitt: And for the requiring of such subscriptions, payments, & performances as aforesaid, these our letters shall be your sufficient warrant: Any command, authority, or dispensation hereafter granted to the contrary notwithstanding.

Given at our Court of Whitehall the
15 day of July, 1668, in the twenty-
tith year of our Reign.

By his Majesty's command,

WILL. MORICE.

Dec. 15,

CHARLES Rex.

Against disor-
ders in the Re-
gent House.

1669. 11. Whereas we are informed that there have been disorders & misdemeanors of late in the Regent House in our University of Cambridge, by some of the Body contesting with the V. Chan. & Heads of Colleges, wherewith we declare ourselves to be displeased: for the better prevention of the like disorders for the time to come, & for the preservation of decency, quietness, & gravity in the transactions of the Senate house of our said University: Our will & pleasure is that all antient statutes, decrees, & laudable customs, touching & concerning the Regent's & non-Regent's quiet & peaceable keeping their seats,

A. D.

& giving their suffrages & votes without running from side to side, or from one Classe to another, to bespeake any other for their voice or vote, be duly observed, under peril of our displeasure: And particularly, that if any hereafter shall offerr or give any affront to the V. Chan. in the Regent House, by bold & irreverent language, by open cavilng or contesting, or by abetting any other in any such contest, or making any other address than by reverend & respectfull application to him; & if any shall offerr to continue doing any publick act, as reading suffrages or numbring votes, after the V. Chan. hath dismissed the congregation or convocation: & if any the Proctors or Scrutators in any case shall refuse to perform their duty, in any part thereof, according to the Statutes, & laudable customs of the said House; against the admonition of the V. Chan. & if any shall goe about from Coll. to Coll. or elsewhere, by gathering hands & subscriptions to make partys & factions to the disturbance of the government of the said University: & if any shall be found so offending in any of the premisses, he shall forthwith for such his offence be suspended by the V. Chan. ab officio, & omni Gradu suscepto & suscipiendo; & so stand suspended 'til upon his submission & satisfaction given, by consent of the V. Chan. & major part of the Heads of Colleges he be absolved: And we further require, that all of inferiour Degrees, both in the Senate house & elsewhere, shall shew all due respect & reverence to all of superiour Degree whatever. Our further will & pleasure is, that these our orders & injunctions be read by the V. Chan. or by the Sen^r Proctor at the

A. D.

V. Chan'. command, openly in the Senate house; & after be added to the rest of our royll injunctions & orders sent to that our University of Cambridge, & entred into your publick books of Records.

Given at our Court at Whitehall this
15 day of Decem^b. 1669, in the 21st
year of our reign.

About preach- Oct. 8^o.
ing, & Pe-
rukes.

1674. 12. M^r. V. Chancellour & Gentlemen,

His Majesty having taken notice of the liberty which several persons in holy orders have taken, to wear their hair & perukes of an unusual & unbecoming length, hath commanded me to let you know, that he is much displeased therewith, & strictly enjoins, that all such persons as profess or intend the study of Divinity, do for the future wear their hair in a manner more suitable to the gravity & sobriety of their profession, & that distinction which was always maintained between the habits of men devoted to the ministry & other persons.

And whereas his Majesty is informed, that the practice of reading sermons is generally taken up by the preachers before the University, & therefore sometimes continued even before himself: His Majesty hath commanded me to signify to you his pleasure, that the said practice, which took beginning with the disorders of the late times, be wholly laid aside, & that the afore-said preachers deliver their sermons, both in Latin & English, by memory or without book; as being a way of preaching, which his Majesty

A. D.

judgeth most agreeable to the use of all foreign Churches, to the custom of the University heretofore, & the nature & intendment of that holy exercise. And that his Majesty's commands in the premises may be duly regarded & observed, his farther Pleasure is, that the names of all such ecclesiastick persons, as shall wear their hair (as heretofore) in an unfitting imitation of the fashions of laymen; or that shall continue the present supine & sloathfull way of preaching, be from time to time signified unto me by the V. Chan. for the time being, upon pain of his Majesty's displeasure.

Having in obedience to his Majesty's will, signified thus much unto you, I shall not doubt of your ready compliance; & the rather because his Majesty intends to send the same Injunctions very speedily to the University of Oxford, whom I am assured you will equall, as in all other excellencies, so in obedience to the King, especially when his commands tend so much to the honour & esteem of that renowned University, whose welfare is so heartily desired, & shall alway be endeavour'd by,

Mr. V. Chancellor & Gentlemen,
Your loving Friend & Chancellor,

MONMOUTH.

Newmarket,
Oct. 8, 1674.

To my much esteem'd friends
the V. Chan. & Senate of
the Univers. of Camb.

Lect. & Pub. in plena Cong. Reg.
& non-Reg. 13 Oct. 1674.

STATUTES, &c.**A. D.****1675. 15.**

**Querries to which the V. Chan. &
Heads of the University of Camb.
are desired to answer.**

- 1. Whether my last letter of delivering sermons by memory, & decent wearing of hair had its due effect or not.**
- 2. Whether the Masters of the several Colleges duly perform their several duties & exercises incumbent upon them by the Statutes of their respective Colleges.**
- 3. What ancient & laudable customs are there, which by the disorders of the late times are now wholly disused & laid aside.**
- 4. What Exercises are required of the Fellows of the several Colleges in any Faculty, & under what penaltys do the Statutes of the said Colleges enjoin the performance of them, & whether they are performed or not.**
- 5. Whether the Statutes of the several Colleges appoint any exercises to the Fellow-Commoners; & what they are; & under what penaltys to be performed.**
- 6. Whether the Statute which appoints the gates of the several Colleges to be shut at 8 of the Clock in the winter, & 9 in the summer, & the keys to be brought to the Master, be duly observed or not; & if not, what is the cause thereof.**
- 7. Whether the privileges of the University are by any person or persons, about the town, infringed, & violated; & especially whether the privilege of being sued only in the V. Chancellor's Court be invaded; & any privileged Persons be molested by Writs from any other**

A. D.

Courts; & if so, what do they conceive the most proper way to redress so great an inconveniency.

8. Whether the Statute, which forbids any person to come to the taverns, unless to meet some friends out of the country, be duly observed or not.

9. Whether the Candidates for any Degree do duly perform the exercises appointed by the Statutes before their admission thereto.

10. Whether the statute, which enjoyns all persons under the years of 40 diligently to frequent divine service morning & evening, be duly observed; & the penalty of 2^d for every default be duly inflicted on those who break the said statute.

11. Whether the Doctors & Masters in the several Faculty's do resort to the Congregations & general meetings of the University in the Regent house, in the habits & ornaments appointed by the Statute.

. 12. Whether the Coffee-houses be much frequented or not; by what sort & degree of men; & at what hour.

13. What persons have admittance into the publick Library; & upon what caution.

Answers to the Quæres proposed in his Majesty's name to the Heads of the University; agreed on in a meeting of the Heads & Presidents Aug. 9, 1675.

1. That his Grace's letter, of delivering sermons by memory, & the decent wearing of hair, hath had very good effect with many; & that it

A. D.

may have its due effect with all, it shall be our care to our power in our several places.

2. For the Masters of Coll'. duly performing their exercises incumbent on them by the Statutes of their respective Coll'. we hear not of any complaint, & hope there is no just cause for any.

3. The laudable customs laid aside in the late times are generally restored; those of greater note, that are stil too much desired, are these.

1. The comely solemnity of Master's, Batch.. & Sophister's attendance upon Disses from the Coll. to the Schools, & back again. 2. The ancient custom of Inceptors coming out of the country to visit after the later Act. 3. The number of the Batchelours, who should sit in Lent is far short of what it hath used to be.

4. 1. The exercises required of Fellows of Coll'. are chiefly Disputations or Problems, & common-places. 2. The penalty for failing of Problems is generally, for the Respondent 6^s. 8^d. for the Opponent 3^s. 4^d. in others 6^s. 8^d. 3. The performance is in some Coll': constant; in others not so constant, in some few much neglected, by reason of the slenderness of the penalty. 4. But the punishment, whatsoever it be, is generally inflicted on the offenders.

5. The Statutes of some Coll'. require no exercises of Fellow-Commoners; of others the same with ordinary under-graduate Pensioners; of most the same with Fellows, & under the same penaltys repectively.

6. The Statutes of shutting the College gates at the sett-times, & bringing up the keys to the Master's lodgings, are generally well observed;

only some use the more benign interpretation, & call it 8 'til 9 in winter, & 9 'til 10 in summer: And too often some of the Coll. are not then come in, so that the Masters are fain to permitt the opening of them again, rather than that they should be abroad in the town.

7. Many Scholars, Scholars servants, & privileged persons have of late, by the advice of Attorneys, (as 'tis said) who live in Camb. been arrested & sued by writs procured out of his Majesty's Courts at Westminster upon Actions of Debts, injuries, & other causes cognizable in the V. Chan'. or Commissary's Courts only, manifestly to the breach & infringing of the Charters & privileges of the University, granted by several of his Majesty's predecessors, & confirmed by Act of Parliament 13^o. Eliz. The main cause of which violence offered us, we take to be, the great trouble & charge of producing & pleading our Charters in Westminster hall, much above what either the University or any mean persons are able to bear. The evill is so great, that we can att present but humbly pray a remedy.

8. The Statute for Scholars of whatsoever Profession or Degree not going to taverns (saving in some cases allowed by the same Statute) is too frequently transgressed: Notwithstanding the endeavours of the V. Chan. & other Officers of the University.

9. None are admitted to any Degree without performing statutable exercises, or putting in cautions for the performance of them, which yet are not seldom forfeited.

A. D.

10. The celebrating of divine service is duly performed; but the religious frequenting of it is not so in many Coll'. by many under the years of 40, (as 'tis generally said), nor is it usual (at least in most Coll'.) to punish any Absents save Batchelors & Undergraduates.

11. The Doctors in the several Faculties do generally resort to Congregations in the Regent house, & to sermons Ad Clerum, & supplications in St. Mary's, in the habits & ornaments appointed by Statute; & so do the University officers, as Proctors, Taxors, & Scrutators; & those of the head, & some few others in theirs: but the Non-Regents & Regents are much failing herein; especially the Regents in their Habits at Congregations, & in their caps & hoods at English sermons, & abroad in the town.

12. The Coffea houses are daily frequented, & in great numbers of all sorts (the Heads of houses & other Doctors excepted) at all hours, especially morning & evening.

13. No University members under the Degree of Masters of Arts have admittance to the use of the publick Library, & those upon no other caution but their Matriculation oath, taken at their admission into the University. If any strangers be permitted the use of the Library, it is by licence given them from the V. Chancellor.

A. D.

Oct. 30^o.

CHARLES R.

1679. 14. Trusty & wellbeloved, we greet you well : whereas we have been given to understand, that several disputes have heretofore arisen in that our University about conferring honorary Degrees without time or exercise upon Baronetts & Knights, who were members of our said University : We have thought fit in order to the settling of that matter for the time to come, hereby to signify to you, that we are graciously pleased to allow such Baronetts & Knights, who shall be members of our University, from time to time, to take their Degrees of M^r. of Arts in this honorary way, without time or exercise, (if there shall be no just exceptions to the particular persons) & our intention is, that this shall not extend to any others but such only as are qualified by the statute in that case provided. And that you are to cause these our letters to be register'd upon your Register, as our pleasure in this particular. And for so doing this shall be your warrant. And so we bid you farewell.

Given at our Court at Whitehall the 30th
day of Octo^b. 1679, in the 31 year of
our reign.

By his Majesty's command,

SUNDERLAND.

To our trusty & wellbeloved the
V. Chan. of our Univers^t. of
Camb. to be communicated to
the Senate there.

From Tabor, f. 680.

A. D.

Oct. 30th.

CHARLES R.

To dispense
with the Mar-
garet Preach-
ers payment.

1679. 15.

Trusty & wellbeloved, we greet you well : Whereas the Lady Margaret, late Countess of Richmond & Derby, in her foundation of a Preacher in that our University, did oblige him to preach at 12 or 13 several towns in several counties, & accordingly did allow him, what was in those days a competent salary, & sufficient for the discharging of his expences in his journey : We, understanding that the salary of the said Preacher is now very small & inconsiderable, & therefore being disposed to free him from the said expensive duties, have thought fit, & accordingly do hereby dispense with all those that shall be her Preachers for the future, for their not preaching at the places aforesaid ; Provided, that they do all other exercises in the University, unto which by the said foundation or custom they are obliged. And our Pleasure also is, that you alter the Oath, which the said Preachers at their entrance were to take, according to these premises. And that you cause these our royal letters of Dispensation to be register'd in the University Register, as the Rule to be observed for the future as to the foundation aforesaid. And for so doing this shall be your warrant. And so we bid you farewell.

Given at our Court at Whitehall the 30th
day of Octo^b. 1679, in the 31 year of
our reign.

By his Majesty's command,
SUNDERLAND.

To our trusty & wellbeloved the
V.Chan. of the Univers^t. of Camb.
to be communicated to the Senate
there.

From Tabor, f. 681.

A. D.

CHARLES R.

Ap. 8°.

1681. 16. Trusty & wellbeloved, we greet you well : Whereas our trusty & wellbeloved Rob. Brady, D^r. in Physick, & our Reader or Professor of the same in our University of Cambridge, hath, by his humble petition, besought us to establish & appoint, that the exercises of Candidates & Probationers for the Degree of Batch. in Physick may be according to that for the same degree in Law (save that they still stand bound to one opposition as formerly.) And whereas you the V. Chan. of that our University, with very many of the Heads of Colleges there, have certified, that you do not know any inconvenience or disadvantage it can be to the University or Faculty of Physick, if the exercise of Candidates & Probationers for the Degree of Batch. in that Faculty should be reduced to, & established in the same state & condition, that the Exercise of Candidates for the same in Law are at this present, by direction of the University Statutes ; especially if the said Candidates in Physick do still stand bound to one opposition as formerly. Also the most Reverend Father in God our right trusty & entirely beloved Counsellor, William Lord Archbishop of Canterbury, having given his approbation of the said petition, conceiving it very reasonable & worthy of our favour ; we have therefore thought fit to order, establish, & appoint, that the exercise of Candidates for the Degree of Batch. of Physick be hereafter according to that for the same Degree in Law, (save as before excepted, that they still stand bound to one opposition as formerly) any statute or cus-

Batch. of Phy-
sick excused
one of their
Acts.

A. D.

tom of that our University to the contrary notwithstanding, with which we are graciously pleased to dispense in that behalf. And our further pleasure is, that these our letters be enter'd in the Register of that our University, to stand there as a Rule for the future in the case above-mentioned; & so we bid you farewell.

Given at our Court at Whitehall the 8th
day of April 1681, in the 33^d year of
our reign.

By his Majesty's command,

L. JENKINS,

To our trusty & wellbeloved the
V. Chan. & Senate of our Uni-
versity of Camb.

Mar 9^o.

CHARLES R.

Penalty for not
performing
Batch. of Arts
exercise.

1683. 17. Trusty & wellbeloved, we greet you well. Whereas it bath been humbly represented unto us by you our V. Chancellor, with the consent & approbation of the Heads of Colleges, & the Proctors of that our University, that the provision already made by statute for the due performance of Exercises required in order to the Degree of M'. of Arts in our said University, hath not proved so effectual as was to be desired: We have thought fit as a further testimony of our princely care for the advancement of good Learning, to make & establish this following order to be observed by all whom it may concern, as a statute for the future: that is to say, that every senior or middle Batch. of Arts, appointed to respond or declaim in the Bachelor's

A. D.

Schools, by the combination to be made for that purpose, & signed by the V. Chan. & Senior Proctor for the time being, not performing his duty in the Course allotted him therein, shall be punished 20. & moreover stand oblidged under the same penaltys to perform the same on the next usuall day for such exercise, & so from time to time, 'til he shall have actually performed it, or else be excused upon just & necessary cause, to be allowed & approved of by the V. Chan. & the Senr. Proctor for the time being, & the M'. of the College to which such person doth belong: which method of proceeding we will have also to take place, & be duly observed, as to the exercise of opposing in those Schools, saving, that the punishment for the neglect thereof shall be but 10. to be repeated as we have above directed. And so we bid you farewell.

Given at our Court at Newmarket the
19th day of March 1684, in the 36
year of our reign.

By his Majesty's command,

SUNDERLAND.

To our trusty & wellbeloved the
V. Chan. of our University of
Camb. to be communicated to
the Senate there.



DISSERTATION

ON THE

PRECEDING PRIVILEGES, &c.

MUCH the greater part of the preceding Work being in Latin, it was natural to give the Preliminary Dissertation in the same dress, particularly, when some things could appear best in that form; still a portion of it being in English, a few observations in our vernacular language also cannot be improper, and, as being likely to be preferred by most readers, become almost necessary. Even scholars, for whose use this volume is principally intended, choose to arrive at an author's meaning by the readiest way.

Indeed, agreeably to what was announced in the *Paper of Proposals*, the Preliminary Dissertation was at first intended to be in our own language, and the present was written as a preliminary one. The Latin Address was an after-thought: and of this mention should be made, to account for the manner in which both are executed. Two or three ideas, which have already occurred in the Latin Address, will occur

DISSERTATION.

again in the ensuing Dissertation : it was deemed expedient to give them in English for the sake of the English reader : these, however, are but few : and notice will be taken of them, whenever they return.

This being premised, let us proceed to the matter in hand. It is proposed, then, in the following pages to state first the nature of the present work, and to make a few remarks on it ; 2dly, to give a short account of its compiler ; and 3dly, to shew its use and application.

First, as to the work itself, this, as the title indicates, professes to be an Index or Table of all the Charters, and other Documents of the Privileges of the University of Cambridge ; reaching from ancient to more modern times, and arranged in the most regular and chronological order, according to the Christian era, and our English kings ; in its range liberal and extensive, though in its display not ample and wide ; to satisfy curiosity, if even to excite it, not various enough, nor abundant ; but of sufficient authority to substantiate History, and to authenticate facts, which may be liable to be doubted.

These royal and public documents are accompanied with others of a more private character, but all relating to the same body. These also are placed in the same chronological order ; and having in view, in like manner, the privileges and liberties of the University, may be considered not less as documents of history, than as statements of the œconomy of the place. Considered all together, they are naturally connected, the latter deriving all their authority from the former ; and deserving as distinct an enumeration, if not as minute a detail of particulars.

By Charters are to be understood Instruments written on paper (whence the name) signed or sealed by the granters, and conveying lands and other revenues, privileges, and immunities, or confirming grants already made. They are now more generally applied to the grants of kings and princes ; but the term is also used more indiscriminately ; for there are

DISSERTATION.

379

Episcopal and more private, as well as Royal, Charters: of similar import are Bulls, except that the latter more commonly relate to Popes, though this word also is of general import. These Royal Charters now have the King's Seal annexed to them, impressed upon wax.*

From this brief account it will appear, that our *Privileges* will serve as Fasti, or a short Summary of the Annals of the University, being, indeed, more chronologically distinct, and according to its object, more systematically precise, than any historiette in MS. or any printed history. This has been stated in the Address. It may, however, be added here, that it is rather the Fasti of Things than of Persons, as Mr. Wood's of Oxford is rather of Persons than Things. Wood's, of course, better serves the purpose of Biography, this of History; and accordingly, in the History of the University and Colleges of Cambridge, such particulars have been taken into its biography, as the Oxford Historian throws into his Fasti, and such things as are found here, will come with better authority in their present form.

Subjoined to the Index of all the Charters and other public Instruments is a series of some particular Charters at full length, such no doubt being selected by Dr. Parris, which he deemed the most significant and important.

With respect to the range of our public Instruments, it is hoped it goes high enough: indeed, it goes higher than it

* Ingulphus (*Hist. Croyland. inter Rer. Angl. Scriptores*, per Gale) says Charters with seals impressed and appended were first introduced here by the Normans: *Normanni condemnantes Chirographa Chartas vocabant*. But Charters existed some time before, as appears from the early part of his own History. And Dr. Hickes (*Dissertatio Epistolaris*, p. 5) gives an example of an instrument with a seal annexed, of Edward the Confessor: *Normanico ritu Sigillo adpendente manita*. *Dissert. Epist.* p. 64. Edward, therefore, must have introduced this practice at least into Letters before: and to make Ingulphus consistent with himself (for being a Norman, and coming here with William, he must have known when the practice became a custom) we must suppose that the *Sigillum* or *Seal* became the regular royal signature from the time of William.—Popes' Seals were *Bulle Plumbæ*; whence their name.

DISSERTATION.

will ever be required for any sober use; and low enough for any purpose of elucidation or appeal; the first supposed charter bears the date of April 7, 531, the last of 1683,—so that our chronology embraces a period of no less than 1152 years.

One, who acts, as in the present case, only as Editor, must keep to its duties. Indeed, from the very nature of the work, no liberties could have been taken with the originals, either by arranging, or twisting the materials to any private meaning. Some exceptions, however, must be made in behalf of certain things added: for though these matters come within the limits of our dates, and run counter to no Title in our Index, giving only in detail and full length, what appears in our Table in a way only of reference, still they are additions, and a distinct account of them, with some incidental remarks, must be laid before the reader.

The Order then of Edward III. relating to the four Orders of Mendicants, is in Hare's Collection at full length, and so appears in Ayliffe's History of *Oxford, copied most probably from Mr. Hare's Collection of Oxford Charters. In the present volume it is given at full length for the following reasons; 1st, rather for its curiosity, it being written in the Norman French; 2dly, for its relation both to Oxford and Cambridge; 3dly, and principally, for its testimony to the Liberties of our University, proving, as it does, that the English government possessed authorities, when rightly understood and constitutionally exerted, independent of the court and church of Rome.

From that Order, certain conclusions may be drawn, with respect to the papal authority over our Universities in ancient times,—that it was exercised by assumption, and submitted to by sufferance; that it sunk in the scale, in pro-

* Appendix, Vol. II. p. 22. An account of the dispute, though without the ORDER, is in Wood's Antiq. Oxon. p. 182, corresponding to what is given of that at Cambridge.

portion as our kings resumed their regular rights, and were put in their proper place;—the king's authority being paramount;—and, that as the privileges granted by the popes were presumptions, they became encroachments injurious to the liberties both of the town and university, liable, however, even while the Holy See was in the zenith of its power, to be checked by our kings.

Time was when a Pope's Bull could operate as a charm, or a horror, to all Europe, conferring privileges incalculably great, or inflicting punishments most dreadfully severe; sometimes like a second Venus, giving peace and indulgence not less to universities, than to churches and states; and sometimes towards kings themselves, like the imaginary personages in *Æschylus*, binding Hercules himself to a rock.*

Here, however, readers may be reminded of a favourite opinion with some, that a Pope's Bull was essential to the foundation of an University, an idea, that is countenanced by a Bull in this volume, p. 71, (of which more in its proper place,) and the allowed usage of the Roman Pontiff: and I recollect, there was a memorable dispute between two learned bodies in Scotland, the University and King's College, and the Mareschal College, Aberdeen. On perusing at King's College, some years ago, the Pope's Bull, relating to its original foundation, it was suggested to me by a gentleman, that the Academia of the Old Town, having the sanction of a Pope's Bull was an University; but, that the Mareschal, in the New, having no Bull, could be only a College: and this seems to be the purport of a passage, which occurs in the course of a dispute, where, after mention made of the Mareschal University, in the New Town, it is added, "if it be a University." Though this Bull, of 1494, in favour of the Old Town, was preceded by the king's request, nor was it erected into a City and University, with the proper privi-

* Κρατεῖ καὶ βίᾳ. Prometheus Vinctus, v. 79.

DISSERTATION.

leges, till 1498, by King James IV. However, be these matters as they may, and without sifting too nicely into the language and opinions of those times, we see by the Order of Edward III. introduced in the course of this volume, how these Bulls were understood in England, in his time, when put in competition with the King's constitutional and ancient claims.

More agreeable to English principles is an account subjoined to one of our chroniclers. Sir William Buck claims the title of University for the city of London, so describing it after divers ancient writers, and not figuratively, but literally, and in full force. Our four Inns of Court, with the lesser Inns, appertaining to the Court of Chancery, he designates as Colleges, in the former of which Lectures were delivered, and Degrees conferred. Gresham College, too, no less than other more ancient Schools, and Foundations, he calls, in like manner, Colleges, their conformity to colleges, in discipline and rules being more apparent formerly than now; "for seeing," to use the writer's own words, "that not only those arts, which are called liberal, but also all, or the most part of all, other arts and sciences, proper and fit for ingenuous and liberal persons, were and are in this city professed, taught and studied," he thought the city of London (though its several colleges had not the common bond of a Chancellor) was justly entitled to the name of a University, cum *Privilegio Regis*: and I have chosen to refer to this writer on account of his challenging the foundation of Universities rather for kings than popes.*

The Imperial Lawyers resolutely maintain, *Academiarum auctoritatem ab Imperatoribus esse concessam*, and it has been more particularly challenged for the University of Paris, that most ancient University, from which, judging from the similarity of its forms, discipline, and literature, as

* Sir Geo. Buck's Discourse or Treatise of the Third University, subjoined to Stow's Annals, continued by Edmund Howes. 1615.

DISSERTATION.

389

well as its officers and magistrates, some have concluded that Cambridge itself was derived. The best writers of their history give it a royal origin. They are proud of their Charlemagne. Even when they find it first dignified with a Pope's Bull, confirming its privileges, it had previously* existed, they say, as a University.†

Monsieur Crevier correctly marks this distinction in regard to the University of Paris, a distinction which no less concerns those of Oxford and Cambridge: but though he resolutely maintains the honour of laying the foundation of the University to Charlemagne, in preference of Popes, it is under certain restrictions, that he brings out his conclusion, *Il resulte de tout ce que je viens de dire, que Charlemagne doit à juste titre être regardé comme le premier père et le premier auteur de l'Université de Paris.* Hist. de Université de Paris, tom. 7, p. 105. Thus have the French been accustomed to trace their university to the very origin of their monarchy; and even those who do not give its foundation to

* Ainsi dans cette bulle, comme dans tous les autres actes les plus anciens qui nous restent, l'Université est supposée subsistante, et elle acquiert seulement un nouveau droit. Dissertation sur les Origines de l'Université de Paris, p. 96. Sur le Fin de l'Histoire, &c. .

† These Institutions were so referred to in the German States, as also in Spain and Portugal; and agreeably to what had been done in those countries we may see by one of the documents in this volume (*Præ. p. 42*) how gallantly Philip of Spain was for giving the honour of founding our University to a Spanish king. The first University that was instituted in Portugal is said to have been founded by Dionysius I. *Foi o primeiro que em Portugal instituió huma illustre universade, que trasladada de Lisboa para Coimbra, tem sido ma'i, e creadora de grandissimos ingenhos.* Elogios dos Reis de Portugal, &c. p. 73. Their kings also regulated this University. John IV. decreed, that nobody should be admitted to a degree till he was sworn to embrace and defend the immaculate conception *da Mui de Deos, of the Mother of God.* Ib. p. 208. We have been for giving the foundation of Oxford University to Alfred, of Cambridge to Sigebert, if not to Arthur, correctly, however, only so far as princes may have founded, or encouraged Schools, and prepared the way for what we now call, Universities.

DISSERTATION.

Charlemagne, still claim for it a royal founder, Philippe Augustus, Louis le Jeune, or Louis le Gros.

In compliance with what readers might probably expect, and other writers had practised, something, perhaps, more than enough, was said in our History of the University, concerning its origin and antiquity. It was shewn, vol. I. p. 139, from Somner's History of Canterbury, that before the period when our authentic charters begin, the word University was applied to different churches united under an Archdeacon. This was a very ancient use of the word. To say nothing of the examples there produced, and of others by M. Crevier, in his Hist. of the University of Paris, all of which are comparatively of modern date (that from Somner being only of the date 1229; those from Crevier of Eugene III. and Adrian IV): there is a Bull of Pope Sergius I. to the Canons of Pisa, dated 688, where he says, *Universitati vestrae stricte precipimus*; and another to the Chapter of Pisa, dated 727, in which occurs, *Terrorem Universitatis vestrae*; one as high as 494, in an Epistle of Gelasius to the Arch-Presbyter of St. Mary's Church at Pisa: *Gratias ago Universitati confratrum horum.** Sometimes *Universitas vestra* simply means all you (*vos Universi*, as in a Bull of Honorius III. addressed to all the Prelates of Christendom): all these long before our University Records begin. In short the word, being a general term, meant merely *Communitas*; and, as the latter word is applied in this Table of Privileges, (vid. *Compositionem inter Scholares et Burgenses Cantabrigiae, Priv. p. 80,*) to the House of Commons, so is it to the town of Cambridge, (p. 31) in their aggregate body, or corporation, and in contradistinction, *Universitas*, to the Masters and Scholars, in their aggregate body or Corporation; in like manner as the word *Parliament*,

* *Pontificum Epistole sub Finem Theatri Basilice Pisane.*

has several more general meanings in old writers, (see Du-fresne's Gloss. sub voce *Parliamentum*) but all combining in the *Commune Concilium Regni Angliae*, that Concilium was called *the Parliament of England*.*

To the question then, at what period did your University begin? the proper answer would be, when it began to exist as a body, with laws, statutes, magistrates, assemblies, and privileges: to the next, when was that period? the proper reply would be, no one can ascertain. For wherever we choose to make our stand, whether at the diploma of Henry III. (Priv. p. 62) which is undoubtedly authentic, or any which preceded him, that are of doubtful authority, they all suppose the existence of a University, but say nothing of its creation: nor indeed from the meaning of the word, as already stated, does it seem to have been necessary; the word was previously in use, and suited to a literary as well as any other body: so it was insensibly adopted, without annexing to the term any of that charm attached to it in later years. This, however, should be kept in mind, that it was certainly applied to ecclesiastical bodies under an archdeacon, long before it was applied to schools, any further than schools made part of those bodies; for it has been shewn in our His-

* I am here reminded of a mistake of some consequence (in questions relating to the government of the ancient Britons) into which Sir Hen. Spelman has fallen in explaining that passage of Tacitus, "Quod in *Commune* non *consulunt*," Vit. Agric. s. 12. It is clear from what Tacitus afterwards says, and immediately, that it relates to different states uniting for the common good, and not to separate communities having no public council, as Spelman explains it. This I have noticed in a former publication more at large; I shall just add here, that Tacitus's expression is the same as those which frequently occur in Thucydides; Οὐδ' αὐτοις αὐτο της ἰσης κοινας σρατης στοιουντο——Ου τολλοι φαινονται ουγελθοντεις ας απο τασης της Ελλαδος κοινη παμπομεναι.——Οιτω παγκαχθειη η Ελλας επι τολν χρονον κατηχετο, μητε κοινη πανερον μηδει κατιργαζεσθαι, κατα τολνει απολμονηρα ηται. Indeed it is a very common form of speech: De Bel. Peloponnes. L. 1. A mistake somewhat similar to this Spelman makes in explaining a passage of Caesar. See Spelman's Gloss. sub voce *Parliamentum*.

DISSERTATION.

tory of the University and Colleges, that such bodies had schools usually annexed to them.*

Had learned writers correctly marked these distinctions, they might have spared the effusion of much Christian Ink. For in truth, all that Dr. Caius in his famous book *de Antiquitate Cantab.* says about Schola, Gymnasium, Academia, Studium, Generale Studium, and even Schola Universitatis, and Universitas,† is about moonshine, and like many erudite disputationes, where men reason without data, or even understanding their own terms, not worth a straw: one assertion without proof is as good as another; and learned quotations, with mere conjectures, generate only frivolous disputes, and pompous nullities.

But if it be asked, What is now a University? This *Book of Privileges* will furnish a proper answer. Schools and Universities are different institutions and the difference seems to lie in these particulars. Any one may raise or found a school: and this, according to the success of the teacher, and number of scholars, may flourish, or fade away; so that the school may die with the master, or his learning may, according to circumstances, travel with him from one place to another. A University, on the other hand, besides being a generale studium, in reference to literature, as Dr. Caius explains it, has its settled endowments, its public laws, its distinct officers, and established magistrates, its regular degrees and privileges, its permanent Rector or Chancellor;‡ combining, among us, together various smaller Corporations,

* Vol. I. c. 2.

† *Universitatem* dicens (Caius had been making a quotation) ut et Majores nostri, quo sensu Cicero mundum dixit Universitatem. Nam ut hic res universas suo complexu contineat, ita haec Universarum Scientiarum cognitionem et professionem habeat. *De Antiq. Cantab. Acad. I. I. p. 54.*

‡ This just distinction is made by M. Crevier, in his *Histoire de l'Université de Paris.*

or Colleges, in one larger Corporation; and all,—dropping now the Papal claims,—under the sanction of the Royal authority. But we have wandered a little: so we return to our Order of Edward III.

Having disposed of the term University, and having elsewhere settled the meaning of the term College, it is obvious to observe, that the present colleges were incorporated by royal power, and on that depended for what was essential and fundamental: still while popery was the religion of this country, the Roman pontiff also had his distinct powers in English as well as in foreign colleges, that professed the Catholic faith: he added his confirmation, he gave indulgences, he bestowed privileges, he interfered in their livings, their discipline, and statutes. Thus we find our first college, that of St. Peter, was founded by a Charter of Edward I. (1274) still it was confirmed by Pope Radolphus:—in like manner there is a Statute of Mortmain by Edward III., containing the Charter of Foundation of Pembroke Hall, similar to that of Emmanuel College, and others founded since the abolition of popery in this country; still there is a supplication from the Foundress for a Bull, and there are other Bulls interfering in the œconomy of that house.*—And the Pope, who could do so many other things, certainly talked in his Bulls of giving the power of erecting Universities.

In truth, the Pontiff had, by degrees, so presumed on the claims of the Holy See, as to absorb in them all other authorities. He portioned out territories newly discovered,

* *Pope Urban's and Innocent's Bulls for a Chapel and Belfry.—Pope Nicholas's, interpreting the Statute of Election of Master, for leave to take any, that is not, or ever was, Fellow.—Pope Clement's for the Appropriation of Sydney.*—Similar to that of Pope Nicholas for the Election of a Master of this College, was one of the Pope for re-electing the Rector of the University of Paris, who had been deprived by the University. The Bulls relating to this body correspond exactly with those, which relate to the Universities of Oxford and Cambridge. Vid. Crevier Hist. de Universite de Paris, Appendix.

DISSERTATION.

and set their boundaries* (as did Alexander VI.); he de-throned and excommunicated kings; he disposed of their dominions, and interdicted their subjects. By the power of the keys he opened the gates of heaven and hell. So great was the force of a Bull, it made every thing give way. Our king John yielded his kingdom and all to it, though he set out with making at first † a just distinction between civil and religious subjection: and, on the other hand, Henry VIII., who at length stripped the pope of every claim in this kingdom, had two years before acknowledged the power of the keys,‡ and by virtue of that power it was that the pope had settled on that monarch the title of Defender of the Faith.

Still we must keep in mind, and to that point the present matter is bearing, the difference between a constitutional right, and an assumed claim. It was agreeable to natural justice, as well as to ancient custom and the law of England, (which is what we mean by Constitution), that kings should encourage literature, that they should found or protect schools and colleges in this country; but by popes the order of things was reversed, when they interfered in the regulation of them. The prince's act was that of the civil magistrate; a matter of internal discipline, exhibiting a just principle of political œconomy; the pope's the interference of a foreign

* *Captain Burney's Introduction to the History of Discoveries in the South Seas.*

† Bene, inquit, reor, quod dominus Papa meus est Pater Spiritualis, et quod vicem gerit beati Petri, et illi debeo obedire, scilicet in spiritualibus; at in terrenis, quæ coronæ meæ pertinent, nequaquam. This is said to the Pope's legate, Radulph.—John, however, afterwards resigned to the Pope by charter, “totum regnum nostrum Angliæ, et totum nostrum regnum Hiberiæ.” *Annales Monast. Burton. apud Rerum Angl. Scriptores, per Gale,* Vol. I. p. 270.

‡ In the dedication of his Treatise entitled, *Assertio de septem Sacramentis contra Lutherum.* Romæ, 1543.

DISSERTATION.

389

ecclesiastical power, implying something of religious, and, indeed, of civil submission, amounting even to a feudatorial subjection, not congenial to the English Constitution, as being never allowed and settled by the law of the land: though indeed, even long after the Reformation, the more zealous papists thought the English Universities would be brought back to their old faith, and that the authority of the Holy See was essential to the re-establishment of our Universities.*

Thus, then, in the production of these extraordinary Institutions two great powers were in motion, which, during a certain period, seemed, yet only seemed, to move in a parallel direction, without interfering (except occasionally, and on some emergencies,) with each other. But power always tends to encroachment; and, for the most part, that which has least right, is most presuming.. Never were words penned with such insolence, as that form given by Pope Innocentius to King John. But when the just claim comes, with its natural and legal support, the false gives way. Thus it proved in the present case: These two powers continued occasionally to recede, and occasionally to approximate, till at length, like evanescent qualities, they were considered as one, in the person of Henry VIII.

Whether, now, it be agreeable to sound policy, that the civil and ecclesiastical power should exist in one and the same organ, or should, rather, be vested in authorities different and independent of each other, is not the question here :—though were I considering, instead of facts, an abstract question, I should certainly decide in favour of the principles of Milton and Locke, in preference to those of

* Accordingly in *A Memorial for the Reformation of England*, (MS.) drawn up in 1596 by one who believed that this country would, at a future period, be brought back to popery, it is laid down as a first principle in regard to Universities, “that there must be a commission and faculte, of such as come to reform, ample and large, both from the *Realme* and *See-Apostolic*.”

DISSERTATION.

Mr. Hooker and Bishop Warburton.*—But I am now speaking of fact, not of right. And it is a fact, that civil and ecclesiastical power existed in one and the same organ, till the time of William the Conqueror, when a separation was first made of the ecclesiastical from the civil courts.† Among our early ancestors, while yet in Germany, the maxim had been, *de majoribus omnes*, all (i. e. the whole legislature) determined on greater matters; and among the greater matters—we may be sure—would be reckoned, when they came here, and were christians, such things as related to the church: from indisputable testimonies, indeed, it appears, that civil and ecclesiastical matters were regulated in the same court here, both among the Britons and Saxons.‡ Here the clergy and laity formed one court, and the king presided; and he, with the clergy and laity, formed one legislature. It deserves notice, too, that even the bishops,

* Compare Milton's *Treatises on Government*, and *Locke's on Government and Toleration*, with Hooker's first and eighth Books of *Ecclesiastical Polity*, and Warburton's second book, c. 3, 4, of *Alliance between Church and State*. I have elsewhere remarked, and it is worthy of being remarked again, that Mr. Locke's Treatises on Government are founded on Hooker's excellent first Book of Ecclesiastical Polity, on the Nature of Law. I have quoted, too, in the same place, and it is worthy of being quoted again, the following observation of Milton: “*Primi homines, ut tute et libere sine vi et injuriis vitam agerent, convenere in CIVITATEM, ut sancte et religiose, in ECCLESIAM: illa leges, haec disciplinam, habet suam, plane diversam. Hinc toto orbe Christiano per tot annos bellum ex bello seritur, quod MAGISTRATUS et ECCLESIA inter se officia confundunt.*” Miltoni *Def. pro Pop. Angl.*

† Spelmanni *Gloss. sub voce Parliamentum*, and *Concil. Brit.*

‡ See, among others, the *Laws of Ina*; “*Ego, Rex Ina, Dei Gratia, cum consilio et cum doctrina Cenredi Patris mei, et cum omnibus meis Senatoriis et senioribus sapientibus populi mei, et multâ cum societate ministrorum Dei, (γ eac mycelje geromnunge Eaber) consultabam de animâ meâ, et de Fundamento Regni nostri.*” *Ll. Anglos. ed. Wilkins*, p. 14. What had been the practice of the ancient Britons, when they became Christians, may be inferred from what was the practice under Hywel Dda, *Howel the Good*.—*Ll. Walliae Civiles et Ecclesiasticæ*, p. 6, edit. Wottoni.

DISSERTATION.

301

at their ordination, in the Saxon times, were not sworn to subjection to the Roman pontiff,* however orthodox they were obliged to be in doctrinal matters. Hence it follows, when the civil magistrate arrived at the point just alluded to, that, so far as matters of discipline went, he arrived at his ancient, if not his proper, place; that he acted in violation of no constitutional authority, of no acknowledged claim, but rather in perfect consistency with the prerogative and ancient rights of the kings of England: hence, too, it follows, that when Edward III. issued this order against the authority of the Pope's Bulls in our English Universities, whether they are considered as ecclesiastical or civil institutions, that he acted constitutionally, that is, agreeably to old English custom and law. If our Universities were ecclesiastical institutions, the pope, whatever authority he might ground on the Canon law, possessed none, that was owned by the law of the land; if as civil, and our Universities *are now considered Lay-Corporations*,† the king stood in the same relation to them, as he does to all other civil Corporations.

But it is, likewise, worthy of notice, that this Order of Edward III., which has led to the above remarks, is worded in the most exact, decisive, legislatorial manner, not as an act simply royal, but as one of the whole English government, ecclesiastical not less than civil. So that by this act the authority of the pope in our Universities, however it might be left occasionally to operate, was in fact cancelled

* This is evident from an *English Pontifical*, (in Archbishop Parker's MSS. in Bene't College) which contains the examination of a bishop at his ordination. The bishop promises to teach the people out of the scriptures, in the discharge of his duty as bishop: he also professes his belief in the Trinity. But there is not a syllable about obedience to the Roman Pontiff, which the bishops at a subsequent period were obliged to swear.

† *Blackstone's Commentaries*.

DISSERTATION.

for the time in a tone as full and authoritative in the University, as it was, afterwards, through the land, at that more splendid period, which we call the Reformation, under Henry VIII.: in speaking of which period, indeed, we must learn to distinguish. We may approve the principle of separation from the Roman See, yet not, altogether and implicitly, the practice which ensued. To make a thing straight, which was before crooked, it is expedient that it should not only be forced into a deflection, but be brought into a right line; else, though the direction may be altered, the line will be crooked still. So far as Henry united, in any of his measures, with the whole legislature, (as in the above order, de l'assent des prelatz, ducs, counts, et barons, &c.) he may be said to have acted right. But when he wrote (for he was himself a great writer of such things) and issued, proclamations, or injunctions, potestate regali, (merely by his royal authority) and gave them the force of law; when he ruled (as he did for many years) without parliaments; when he appeared (so he has been described) *as a king with a pope in his belly*, without the assent of bishops, lords, or commons, then he acted the politico-theological farcical part of a Janus, not the sober one of a politico-regal king of England.*

Another distinction should be made; for subjects of this kind involve no question of truth, metaphysically or theologically considered, but of national independence, and political expedience, relating to public, not to private religion: these, indeed, may assist and support each other, but do it only occasionally, and, as it were, by accident, not by a necessary reciprocity, or any uniform sympathy of nature; on the contrary, like two powers, of equal force, moving in opposite directions, they often interrupt and destroy each others' operations: and that public and private religion are distinct, and therefore may have very different

* Fortescue de Laud. Ll. Ang. Cap. 36.

tendencies, is clearly taught both by political and theological writers.*

Here, too, it must not escape the reader, that I am not examining an abstract question on the nature, extent, and utility of Literary Corporations, in general, but merely stating the fact of their existence. Were I examining an abstract question, I should be bound to hold the balance of comparison. All corporations must possess certain properties highly favourable to those whom they concern: and a question then arising, whether local improvements, partial progress, and particular interests, are in harmony with general advancement, and public utility, I might, perhaps, have two or three ideas, which I do not think it necessary to introduce into the present statement.

The legislative interference, with respect to the papal authority, during this reign, was not confined to the Universities: for besides the law against the Pope's Bulls, passed in *their* favour, others passed relating to appeals, investitures, provisors, and other branches of the popish usurpation: and these were followed by other laws to the same purport under Richard II., Henry IV., and Henry V.;

* To Bishop Warburton's and Dr. Paley's distinction between public and private religion I have alluded before.—Semler, a learned German critic, writing merely as a Christian and theologian, says “*De hoc igitur mibi satis persuasum habeo, Catholicam ecclesiam curasse tantum societatem externam suorum civium: nec intercedo: non abnuo: jure sic egit cum omnibus qui ipsi consentiebant; sed iniquè egit, quod privatæ religionis, quam publica religio unice adjuvare et promovere creditur, libertatem illis non concessit, qui Christiano jure jam ipsi uti et vivere vellent, quia sic se vivere posse intelligebant.*” *D. Jo. Salem Semleri Novæ Observationes, &c. Halæ.* The old popish doctrine is horrible, considered either in a moral and religious, or political point of view. In the popish countries of Europe, the public Catholic religion had long trampled upon all private, whether Jewish or Christian; and in Spain even Goths and Saracens were more tolerant of the private religion both of Jews and Christians, than the ruling parties before had been towards each other. See Claude's *Hist. Reform. in France*, part 3, chap. 3; together with his *Groans of the French Protestants*, and Mr. Robinson's *Ecclesiastical Researches*, Ch. IX. of the *Church of Spain*.

DISSERTATION.

but as these latter were often overruled, and Bulls from Rome admitted, through the king's pardon, or even by his licence; so in our Universities, as it should seem, this order relating to Bulls was rather provisional than final (hence our vague manner of speaking elsewhere): for, whether it was, that this act was considered only as a temporary expedient, or gave way through the weakness of the royal power, or was even made with a proviso for the royal licence, whatever the cause, the law was not permanent. For after this king's order, we find Bulls granted both to private Colleges, and the University. It remained, then, for Henry VIII. to give them the final blow.

And, whatever Henry's motives were, his plea was good, and his arguments conclusive; supported, as we have seen, by the constitution of his country. A table of some of his public acts relating to the University will be found in this volume, and one *concerning the Public Orator*, at full length. It seems, too, worthy of notice here, that the king ordered every College to send in all its Grants, Charters, Statutes, and Bulls, which has already been noticed in our History of the University; and, further, that though he returned the Charters, it does not appear that he returned the Bulls. This is mentioned again, (and it will be found noticed in this Book of Privileges) because, probably, it may be assigned as a reason, why in the Table there appear so few Bulls.

Should it be thought by any reader, that the observations made above are more than were called for in this place, he should be reminded, that we have been talking of remote times, and of our old English government; that points of antiquity must be illustrated by testimony, and questions about claims by appeals to prescription and ancient laws; that we have been speaking of times, when our Universities and government, as well as those of all Europe, had for many centuries been entangled with the Roman court, as in a web, which it is no easy matter to unravel: all this should

be recollected. But England had been called only the adopted child of the Roman church: and, having been the last European power in submitting to the Roman yoke, she became the first that threw it off. Our British king Lucius (though only one of Tacitus's Reguli, not the king of Britain in the sense represented by some writers, as already noticed,) is said to have been the first Christian king in Europe, and had been called, by king Eleutherius himself, the Vicar of Christ, *Vicarius Dei*, in *Regno Dei* (if we allow any authority to that testimony): the kings had never been feudatory to the Romish see,* as other Europeans were: hence Bracton says, for it is in reference to this he is speaking, *Parem non habet Rex Angliae in Regno suo; multo fortius nec superiorem*: and if this be enumerated among the *Jura Majestatis* of the kings of England, as matter of precedence of other states, *Alma Mater* must be allowed to come in for a share of the honour.

This act of Edward III., though not the first addition in the order of the volume, is introduced the first here, on account of its significance, and relation to the authority on which this University at present rests. The reflections upon them almost insensibly stole upon my mind; and they are placed before the reader not without design. They may serve partly for elucidation, and partly for congratulation: for elucidation, as pointing out the distinct provinces of kings and popes in the creation or establishment of Universities and Colleges; of congratulation, for the shadow of liberty is to be preferred to the solemnities of usurpation: and with respect to what has been said of Henry VIII., and whatever readers may think of him, it must be more agreeable to an English University to receive privileges through the medium of its own civil government, than of a foreign ecclesiastical despotism.

This first addition was made to shew its excellence, a few

* *Questions of Precedency, &c. in Cottoni Posthuma*, p. 78.

DISSERTATION.

other additions, on which we are next to remark, to prove their inauthenticity. And, previously, let us concede, that whatever may hereafter appear, no blame can attach to the present generation, none even to the leaders of the Reformation, who settled our Universities, as they now exist. For though the leaders of the Reformation have been charged with devastations, dilapidations, and enriching themselves with the spoils of the dissolved monasteries,* forging writings was the invention of an earlier period. And, perhaps, the men of that age may find a parallel in the history of man. Besides, are we sure, from what we know of the different sects, that any other, living in the same ages of darkness, supported with equal pretensions, and backed by an immense power, like that of the court and church of Rome, would have acted better? But more of these matters in another place.

The next addition, then, which I have made, is the Charter of king Arthur. *Privileges*, p. 55.

My original has the titles only, but the Charters and Bulls are in Hare's Collections, and in the Black Book; they are also subjoined, with the Historiola de Antiq. Cantab., to Sprotti Chronica (though it does not follow, that Mr. Hearne, the editor, believed them genuine), and are reprinted in Parker's History of Cambridge. What has been said of their inauthenticity in our History of the University, may be considered rather as negative, than positive arguments. Dr. Caius considered them as authentic, so did Dr. Fuller, at least some of them; though he follows, principally, the

* Ludovico Beccatelli, in the Life of Cardinal Pole (p. 110 in Pye's translation) says, "that the ecclesiastical revenues sequestered by Henry VIII. amounted to the full moiety of the ancient patrimony of the church." And from the translator's account in the notes, grounded on what Archbishop Parker says, (Antiq. Eccles. Brit. p. 528) it appears, that what Queen Mary was content to relinquish, (as being vested in the crown) served, eventually, only to enrich Cardinal Pole, all which wealth he left wholly to foreigners.

authorities of Rosse and Caius.* Archbishop Parker, too, perhaps, might receive them,† though he begins his *Munimenta* with Henry III.

There are two copies of Mr. Hare's Collections, the Vice Chancellor's, and Registrar's; what his opinion of the suspected Charters and Bulls, contained in them, was, does not appear from either; Mr. Baker, Dr. Ashton, and Dr. Parris thought them all forgeries. Still this is opinion against opinion; and opinions without arguments, are but negative proofs; and not being aware that any of our Cantabrigians have gone formally into the subject, yet having spoken freely of these ancient writings in the History of Cambridge, I think it both in place and character to give reasons of a more positive nature, why I consider both Bulls and Charters no genuine instruments: otherwise, it may be supposed, that I spoke flippantly, or from mere petulance. It is proper, too, that things of this kind should sometimes be sifted; and the thoughts which arise on them are often of use in other questions besides those which are the immediate object of them. So to proceed to the first of these Charters, that of King Arthur.

It might first be observed, that the account of Arthur, as given by Geoffry of Monmouth, and other monkish chroniclers, is, in the judgment of many, not merely fabulous in parts, but an entire fable throughout: he is not once mentioned by Bede, and therefore not in the Saxon Chronicle; which is somewhat extraordinary, Bede living so near his time: but, not to insist on that, yet, at the same time, leaving the embellishments of Geoffry to poetry, we think the middle opinion of William of Malmesbury more akin to true history, viz. "This is that Arthur, of whom so many British absurdities, and to this day, are wantonly advanced, of a man worthy of not having fallacious fables dreamt about him, but of the report of true history, as being one, who long sup-

* Ch. Hist. c. 10, § 6, 7. Hist. Camb. p. 25.

† Catal. Cancel. p. 1.

DISSERTATION.

ported his falling country, and sharpened the unbroken minds of citizens to war.”*

Nennius’s † account of him, too, only supposes he was one of those powerful leaders among the British kings, who eminently distinguished himself by his valiant resistance of the Saxons.

Now, it not being pretended, that either this Charter, or the others in the Black Book, are originals, but only copies, their authenticity must be inquired into not by the shape of the letters, abbreviations, subscriptions, or seals, and such-like other canons of criticism, by which originals, claiming a particular age, are examined. Other rules must be adopted. Let us, then, examine, whether they can, possibly, be transcripts of original manuscripts, from which, if they mean anything, they must profess to be derived.

Our old chroniclers, who mention Arthur, fix the beginning of his reign, A. D. 516.—Now, is the style of this Charter, that of his age? Suppose of Gildas, who flourished in 495. To do the writer of this Charter justice, it is superior. Was Lucius ‡ ever King of Britain, in the sense which this writing supposes? Is not the language of it, speaking

* De Gest. Reg. Angl. L. I.

† Artur pugnabat contra illos in illis diebus, videlicet Saxones cum Regibus Britonum: sed ipse Dux erat bellorum: et in omnibus bellis victor extitit. The *Variae Lectiones*, ex MSS. Cantab., &c. under, *cum Regibus*, has, *cum Regibus Britonum*, et licet multi populi nobiliores essent, ipse tamen dux dux belli fuit, *victor*. *bellorum*. V. Nennii Hist. Briton. Gale, p. 114, 131.

‡ Bishop Godwin, speaking of Lucius, correctly observes, “Et huic quidem sententiae eo promptius accedo, quia si Cæsari, Tacito, Suetonio, et aliis primæ notæ Romanorum rerum Scriptoribus habemus fidem, constet nobis oportet, ab uno aliquo principe Britanniam, imo ne hanc Britannicæ partem quam nunc Angliam nuncupamus, unquam regi consuetam, nisi quandoq. contigerit, ut imminenter graviori periculo ab hoste aliquo externo, plurimorum regulorum consensu, unus cæteris præficeretur donec redditâ pace, unicuique suam ditionem repetere liceret.” *De Conversione Britan. ad Christ. Relig.* p. 18. pref. ad Praesul. Angl. &c.—Tacitus in *Vita Agricola*, c. 13, says, *Domitæ Gentes, Capti Reges*, and again, *olim Regibus*

of exemptions from tributes and burdens, the very language of the middle ages? Could ever monk or gaping clerk speak more appositely? *Rectori Scholarium*—was not that the language of a much *later* period?*—These, and other questions might be asked, on the terms of this Charter. But our old chroniclers (the Saxon Chronicle more particularly), and after them Stow, place the coming of Augustine into this island, A. D. 596, “being sent by Pope Gregory, to preach the gospel to the Angels (Angles, English).”† Now, for certain, Christianity (whether introduced first by Peter, or Paul, or Joseph of Arimathea, no matter) existed here long before, yet unconnected with *the Apostolical See*, at least not subject to it. The letter of Pope Eleutherius, dated a Nativitate, vel a Passione, (for different copies read it differently) Christi 169, addressed to Lucius, King of Britain, (said to be the first Christian king of Europe) could, at most, be only one of *the Reguli*, or little princes, among whom Britain was divided: and many suppose the whole letter to be a forgery: and “*vicarius vero estis in Regno*,” with other expressions, favours the opinion: but, should it be allowed to be genuine (which would be allowing a great deal), that very sentence (though the letter breathes an air of pontifical solemnity), would be enough to shew that Eleutherius could never dream either of civil or ecclesiastical subjection: and the celebrated answer‡ of the Abbot of

parebant, nunc per principes factionibus et studiis trahuntur; these are elsewhere called *Reguli*: and Juvenal, who lived nearly as late down as Lucius, says,

“*Regem aliquem capies, aut de temone Britanno
Excidet Arviragus.*”

SAT. IV. 126.

* *Rector* was what we now call Chancellor, except that he was an ecclesiastic, and chosen for two years, sometimes one. Wood Hist. Ant. Ox. L. I. p. 48, 53.

† See Stow’s Summary of Annals, and Saxon Chronicle, p. 28, ed. Gibson.

‡ Spelmani Concil. Brit. tom. 1, p. 106.

DISSERTATION.

Bangor,* to the demand of Augustine, disavowing any subjection to Rome, proves that it could not then be known in the island. What then shall we say of a Charter, coming with a *Licentia sedis Apostolicae*, dated A. D. 531?

Selden (*Janus Anglorum*, p. 52,) says, that Leland asserted, he saw in the Church of Westminster, Arthur's Seal; but, if I understand him right, he seems to doubt it: and the idle tale of Arthur shews it to be not genuine; nor is it said to have been a Charter. "That the English had seals from the Saxons," adds Selden, in the same page, "is beyond a doubt." Dr. Hickes, too, had thoroughly explored the archives of the Church of Westminster, and as he refers the introduction of seals to the Saxons, and gives his testimony in favour of what he deems the most ancient Charter, I do not know, that we can follow better authority. He says, *Septimum erat sæculum, in quo Chartæ ab Anglosaxonibus primum fieri cæperunt, aut tum ab eorum aliquo factæ fuisse ullo auctore traduntur. Extant vero, quæ VII inito sæculo, et deinceps confectæ erant vetustissimæ, scilicet Charta Ethelberti I. regis Cantwarum, omnium antiquissima, &c.* Epist. Familiaris, p. 79. Nor do I find that Dr. Hickes, either here, or elsewhere, attempts to produce any example of a British Charter.

So, to cut the matter short—Charters were not even known here at that period. Ingulphus's account would fix their introduction at the distance of several centuries; but Dr. Hickes and Selden, we see, both maintain they were first introduced by the Saxons. And Arthur, fully employed in fighting against the Saxons, was not likely to get Charters from them. As Dr. Hickes maintains the first genuine Charter in this country was of the seventh century, so does Mr. Ruddiman,† in his preface to Anderson's *Diplomata Scotiæ*, suppose

* *Synodus Wigorniensis*, in Spelmani Concil. Brit. tom. 1, p. 106.

† *Ruddiman's Introduction to Anderson's Diplomata Scotiæ*.

DISSERTATION.

that Charters were introduced in Scotland about the same period.

The reader will please to notice what I shall presently say on the word *Script*.

Another evidence of inauthenticity, worth noticing here, is similar to that pointed out by Dr. Hickes, in a Charter falsely ascribed to Edward the Confessor. He observes, all Charters had either a sign, or seal (as after the Conquest): but, adds he, of Edward the Confessor's Charter, "Huic vero Chartæ insulse legitur nomen regis nudum absq. ullo signo sive sigillo his verbis; ego Eadwardus, &c." This will apply to our Charter: and, though it professes to be only a copy, yet, has it not the usual formality, or intimation, that there ever *had* been any signature of any kind.

The next *Charter* (p. 56) is entitled *Privilegium Cadwalli*, &c. He begins with calling himself *Rex totius Britanniae*; King of all Britain. Now all Britain, *Magna Britannia*, called Albion, extended from Kent (Cantium), to the extreme of Calidonia (Scotland), even passing the Roman Walls, and included all the interjacent country, eastward and westward.* What can be made, then, of this sounding title, *Rex totius Britanniae*? Gildas, Nennius, and Richard, the monk of Westminster, throw a little light on this, totally inconsistent with the idea of any one's being, at that time, *King of all Britain*, otherwise than as Generalissimot, which is not the officer held out here.

* Ricardi Monachi Westmonast. de Situ Britannias, l. i. c. ii. iii. vi. Britain had been divided into thirty-three cities, (civitates, so left by the Romans) independent of each other. This subject is well treated of in Turner's Hist. of the Anglos. vol. 1, B. 1. c. 8.

† Squire on the English Constitution, p. 252, ed. 1753. Ascer calls Ceadwalla, *Rex occidentalium Saxonum* only, p. 147, Gale: and Egbert, King of the West Saxons, 133 years after, was the first called *Rex totius Angliae*, Hist. Angl. Norman. p. 230, notes, Maseres. Why Higden calls him *Rex Britonum*, et *Rex Occidental. Sax.* vid. Polychron. L. 5, p. 243, Gale. My argument does not require me to notice Nennius's, *Lucius Britannicus Rex cum universis Regulis totius Britanniae*, &c. some 100 years before the Heptarchy.

DISSERTATION.

We have, in this Charter, the same anachronisms of language as before, except that the writer more boldly uses *Rectori* (the very word used for the Chancellor in after-times) instead of *Rectoribus*; the same talking about former privileges; the notorious story of Cambridge being founded by Cantaber, &c.; of exemptions, which were not granted till many centuries after, and allusions to Charters, given many centuries before Charters were known to exist in this island, with a little aping of the language of the 6th and 7th centuries, *Pontifices*, *Reguli*, and *Principes*; *Regulis*, too, is unfortunately introduced in Britain, after the division of the Saxon Heptarchy, with *Rex totius Britanniae*.* Of the year 681, or 685, (no matter which) let it be observed, that some chroniclers fix the beginning of Cadwalla's reign in 635, and his death in 683; the date, therefore, as it is in the Black Book must be false. Dr. Caius alters the date to 685; but on what authority? And by what could a king of the West Saxons confer these Privileges on a University in the East Angles?

We next come to Edward III.'s Charter (*priv. p. 57.*) Probable it is, and almost certain, if Edward gave this Charter, he gave it in the Saxon language, and for the following reasons: this (the real English) was the vernacular language

* *Tota Britannia*, according to the Saxon divisions in England, could only be parts of Wales and Cornwall. According to the *Sax. Chronicle*, Cadwall resumed his government in 685, and died at Rome in 689. *Vide Sax. Chron. pp. 46, 47, Gibson.* No one could then properly be called *Rex totius Britanniae*, nor at the time of William the Conqueror; and even then, the usual title in public instruments, is, *Rex Anglorum*, or *Rex Anglie*, as it had been in the time of the Saxons.

Rex Totius Britanniae, indeed, occurs some years between, viz. even in what are called Edward the Confessor's Laws; but, these, as appears from the Norman-Latin style, with the explication of Saxon terms, were made up in a later period, and, therefore, what relates to Arthur, and other kings, could not be made use of for any serious purpose. See *L. Anglosax.* Wilkins, p. 197. And that the reader may not take my mere word, let him hear what the learned Dr. Hickes says, *leges Edwardi regis, non eas Latine scriptas, quas falsarius aliquis interpolavit*, *Dissertatio Epist.* p. 43. How, and in what sense Alfred became *totius Angliae primus Monarcha*, (as in *Ordericus Vitalis*, in *Hist. Ang.* edited by Barón Maseres,) see the Baron's note, p. 236.

of his times, and very few of the natives understood a word of Latin. Alfred's and Elfric's testimony (unexceptionable evidence) have been already given on this point. And so it appears from Peter of Blois' (Gale's Script. Angl. V. I. p. 114,) Account of the Monks, who came from Orleans, and taught the sciences in a barn at Cambridge. Edward's laws, and other public instruments, with those of the several English kings, to the time of the Conquest, were, therefore, given in Saxon. For, though it is true, as Sir H. Spelman observes, that the church had been accustomed to give its Canons commonly in Latin, (as the sacerdotal power its laws, in the vernacular tongue,)* yet that practice had now ceased, through the ignorance of the Latin. Ingulph tells us, that all the Charters that had been in Croyland Monastery, were in Saxon. And the learned Dr. Hickes assigns it as a strong proof of a Charter's being forged, which yet was ascribed to Edward the Confessor, that it was written in the Norman, or Roman characters, whereas, the Saxon characters were used in Charters, even till after the Conquest.† It is, therefore, probable, I say, if Edward gave this Charter, that it was given in English. On the other hand, had it been a translation, he who made it, would, for obvious reasons, have said so.

Further, had there been such a public instrument as this, it would, probably, have been recorded in some Chronicle; the monkish chroniclers notice some Charters and Grants of our Saxon kings, (with some of these historians, it was a favourite employment:) and to have noticed Edward's *raising the Muses* in their dejected state at Grentabridge, would have added another gem to the crown of our heroic prince. In the Chronicle of Melross, we read that Edward ordered (A. 916) the wall of the town of Bedford to be built on the southern side of the Ouse: he was then, pro-

* Spelman's Testimony, (from Concil. Brit.) as quoted in Wilkins's Leges Anglo-sax. p. 196.

† Dissertatio Epist. p. 18.

DISSERTATION.

bably, at Bedford in 916, and though so near to poor Cambridge, we read there of nothing that he said or did, A. 915, in its behalf. We hear of no appeals, as in cases already mentioned, to records in the Tower, nor to the *Fœdera* of Rymer, who has copied most of our authentic Cambridge Charters. A testimony from any of these quarters would have carried some authority. But no—this Charter is to be found only in our unlucky Black Book: it is copied by Hearne, as it occurs in *NICHOLAI CANTALUPI HISTORIOLA*; and on this prop only it rests.

In the style of this Charter, as we now have it, there are several features, that deserve notice. “Edward, by the Grace of God,” &c. though not the regular formality in our Saxon kings’ Charters, and Laws, as it occurs at the front of Ina’s Laws, (it became more usual after the Conquest) may pass: still those who have read of the complete destruction made by the Danes among the East Angles, of Monasteries, MSS. Bulls, and Charters, and of the subsequent barbarism, from before the time of Alfred to the time of Ingulphus, may be surprised to hear of a *Mater Philosophia*, with all the formalities and officers of a University, (indesidenter) a Chancellor, Doctors, Scholars, and *servientibus*, (whose privileges were conferred some centuries after) those persons, I say, may be surprised. A Chancellor too! before the name of *Chancellor* came in use; the principal officer of the University, as well in Oxford and Cambridge, as Paris, was *Rector*.* The names of the peculiar officers, and the privileges granted, the disputes and cabals, and the course of studies, were much the same in all, and came in at each place at no great distance of time, a circumstance worth noticing,† for it throws light on the history of each University. Baker, our Cambridge antiquary, observes, the first time he meets with the name of Chancellor, was in 1246, though it will appear, that

* Baker, Wood, Crevier.

† Compare, on this subject, Crevier’s Hist. de l’Université de Paris, Appendix, with Wood’s Hist. and Antiq. Oxon. and Hearne’s Index and Charters.

DISSERTATION.

405

Hare found it 16 years earlier;* and if I may venture an opinion, it was probably first used at Cambridge, at the beginning of Henry III.'s reign. What favours this opinion, is, that in this reign our literary body was brought into something of university order. Then was entrusted to its principal officer a portion of *forensic, judicial authority*, though it did not settle, till many years afterwards, into the formalities of a regular court.

It should seem, then, that the word *Chancellor* is a generic term, like that of University; and its name probably came into use with the appointment of the Rector to a new office. The date of this Charter is 915, and the beginning proclaims, *Præcepto Johannis, Apostolicæ sedis Episcopo.* Now, some Chronicle makes John Pope, not till 918; Bellarmine, not till 916; either way, there is a false date, and in an instrument of this kind, this is a strong presumption that it was forged. Observe further, that in the first accounts of Charters in ancient Chronicles, these distinctions are preserved; “*Hi sunt testes qui adfuerunt, quiq. ei subscripti- runt: cum suis digitis subscripserunt Christi crucem, et confirmabant cum,*” &c. or something of this kind. The same formalities were not uniformly preserved, but some usually were: and observe what Dr. Hickes says, *Verum initio octavo sæculo, eove haud multum promoto, inde, signandis chartarum temporibus, ad annum inductionis annus Dominicæ Incarnationis frequentius jam tum usitatus accepit.*

There is another feature in this Charter, that can escape no one; its style. Hume observes of Edward, “Though he equalled his father (Alfred) in military talents, he was inferior to him in knowledge and erudition.” Yet, surely, he had common sense—and would any man with a grain of sense say of his Charter, “*Rata decerno durare quamdiu vertigo poli terras ac æquora circa æthera siderum justo mo-*

* See Hist. Univers. and Coll. Vol. I. p. 60.

DISSERTATION.

deramine volverit? Such a vertigo could only be in the brains of a monk; and, doubtless, the priest laughed at his own conceits.

For the reasons, then, above-mentioned, with all due deference to better judgments, I cannot believe, that the aforesaid Charters are authentic instruments.

Thus far, concerning our three first Royal Charters: let us next consider the Bulls; and I suspect, here, also, will be found as much anomaly of matter, and anachronism of style, as before. The first Bull is that of Honorius I. (Vide *Privileges*, p. 58.) Whether, by *Pagans*, the writer means Romans, Picts and Scots, or the first adventurers of the Saxons, is of little consequence. Certain it is, there was no University and Chancellor here at the time, as this Bull holds out. Observe, too, we have here a succession of Bishops of Rome, who granted privileges to this University, in the following order, Elutherius, Fabian, Leo, Simplicius, Felix, and Boniface. Now, according to Bellarmine, the order of succession proceeded thus; Elutherius, Fabian, Felix I. and II. Boniface, Leo, Simplicius.* We have, also, here, an exemption granted the University, from Archbishops', Bishops', and Archdeacons' Courts. Now, the exemption from the Bishop of Ely's Court, and the Archdeacon's, was not till 1276, and was procured by Hugh Balsham, Bishop of Ely, founder of Peter's House: and this, as well as founding a College, is mentioned among the praises of that Bishop.† This date will be found in p. 8, of the present volume. If it be said, this Bull is the foundation of Balsham's Grant to the University: Why, then, was it not so stated, as the usual practice in such cases was, in the Bishop's composition?‡

* Bellarmini Chronologia, sub Einem Libri, de Eccles. Scriptoribus.

† See further, Bentham's Hist. of the Conventional and Cathedral Church of Ely, p. 150, first edition, as already quoted in the Hist. of Cambridge. Yet Platina and others, who have written about the Popes, at least, as far as I have examined, do not notice it.

‡ It may be seen at large in Fuller's Hist. of the Univ. of Camb. p. 22, at the end of his Church History.

But, as before observed, no University, with a Rector, existed at the time of Honorius. The Bull further intimates, that Honorius was a student in the University, when young: now does it seem reasonable to suppose, that Honorius, when a boy, should be sent from Italy, *in the 7th century*, to be a student at Cambridge?

But further, *Cancellarius cum Rectoribus* :—we have here two misnomers. All writers on Universities allow a Rector was one, not many, *Rectores*: and what this writer means by *Rectores*, we shall uniformly find called, in this volume, *Doctores, Magistros*; the first title of a head of the College at Cambridge, was *Custos*; *Rectores* were *Rectores Ecclesiasticorum*.*

Two things are observable in the date: first *script.*, when we might have expected, in an authentic Bull, *Dat.* In all the genuine Charters, in this volume, this distinction is preserved, except where *Teste me*, (a formality, which came in use before the time of Hen. III.) or *Literas nostras fieri fecimus patentes*, or, the *Sigillum Domini Regis apponitur*, as after, and in continuance from the Conquest; and sometimes, *Dat. per manum nostram*; but it does not appear that *Script.* was put in the place of *Data*.

This distinction, too, if I mistake not, is usually made, in genuine bulls, except, where *acta sunt* may be given, a word synonymous to *Dat.*, or *Data* and *Acta* both together. It is preserved in a course of many genuine Bulls, of different dates, that I have read, given to the Canonry of St. Martin, at Pisa.† The reason of this distinction appears in one of the dates; *Dat. Laterani a salutis 729, scripta per manum Benedicti Scroniarii*. It was not the office of the King or Pope, scribere, but of their Notary, Chancellor, Master of the Rolls, or the like. Whether the word *script.*, as the instrument passed through an officer's hands, may have been

* *Rectores Ecclesiasticorum* was used, in the middle ages, nearly in the same sense in which it is now.

† *Sub fin. THEATRI Basilice Pisani, Roma 1728.*

DISSERTATION.

409

Previously to the learned Doctor's remark on the date, he quotes at large Bishop Balsham's composition, already alluded to, *sua auctoritate*, settling, as bishop of the diocese, the distinct offices of the University, as well as himself and Archdeacon, in which he says, both of the Chancellor of the University, and the Archdeacon, *ut constet utrumque nobis immediate esse subjectum*. Here the Doctor, in his accustomed mixt strain of wit and seriousness, (in allusion to some of the good bishop's concessions) asks, How durst the Bishop of Ely, notwithstanding the premises, interpose his power in university-matters? Is it not ridiculous for the man to pretend bounty, in bestowing a remnant on him to whom his master had formerly given the whole piece? What bounty was it in this bishop to exempt Cambridge partly from Archdeaconal, which Popes so long before had privileged from Episcopal, Jurisdiction?*

These three questions may be replied to, by asking three other questions. Is it not probable, that Hugh de Balsham was the devoted servant to the Pope, and the Apostolical See? Was he not confirmed in the bishopric of Ely by him in direct opposition both to the king, and Archbishop of Canterbury, each of whom had been violent in behalf of another claimant? *Electus (per priorem et conventum Eliensem) Nov. 1256, sed quia tunc a rege et Bonifacio, Archiepiscopo, cassata erat electio, ad curiam Romanam appellavit, ubi fuit confirmatus prid. non: Octobris ab Alexandro Quarto 1257, a quo etiam fuit consecratus prid. id: Octobris ejusdem anni.*" *Lib. Eliens. Baker;* as quoted in Richardson's Godwin, notes, p. 256. Is it not, then, probable, that Balsham attached no consequence whatever to the Bull defended by Dr. Fuller?

I think, then, with submission, that Honorius's and Sergius† I.'s Bulls have evident marks of inauthenticity: let us try Pope John's.

* Hist. of the University of Cambridge, p. 25.

† The remarks on the Bull of Pope Sergius I. will be given at the end of Vol. II.

DISSERTATION.

Mr. Parker supposes this Bull—*Pro Confirmatione Universitatis Cantabrigie*—to have been given by Pope* John the Tenth, and, of course, he must further suppose the king, alluded to in it, was Edward the Elder. Now John the Tenth (according to Bellarmine) became pope in 912, and Edward succeeded to the crown of England, A. 901; so that the Confirmation of Privileges to which the Bull alludes, must, in the judgment of Parker, have been that ascribed to Edward the Elder, bearing date 915. But from what has already been said, it might easily be made appear, that every line in the Bull is at variance with Parker's supposition: it is, however, not necessary to produce proofs; for the Bull itself is in pp. 60, 61, Vol. I. of our *Privileges*, and in p. 13 of the same it may be seen, that this very Bull was one of Pope John's the Twenty-second, and that the Letters Patent of the King, of which the title is in the same page, and which are alluded to in the Bull, were Edward the Second's, both being of the date 1318. So that it is not necessary to call in Drs. Caius,† and Fuller,‡ both of whom, however, give the Bull to the Pope last mentioned, and the Letters Patent to Edward the Second, with the difference of one year in their dates.§

So much for Mr. Parker's supposition, which proceeds on an error so gross, that readers might suppose it an error of the press, which yet it cannot be, and which shews, how slightly some people examined the subjects, which we are now discussing.

* *History and Antiquities of Cambridge*, p. 22.

† *De Antiq. Cant. l. 1*, pp. 80, 81.

‡ *Hist. Univ. Camb.* p. 29.

§ Caius gives the date 1316, Fuller 1317. As to the difference about the Pope, Caius making him John the Twenty-second, Fuller the Twenty-first, they both mean the same. “*Joannes XXI. dict. XXII.—1316.*” Bellarmine.

With the exception, then, of Parker's supposition, there is no room to doubt the authenticity of this Bull: and I shall go further, and introduce the following flourishing testimony of Dr. Fuller.

" Now let none conceive Cambridge, long since the mother of many children, now but new-born, herself an University, from the date of this papal instrument: a mis-take of many, alleging for the defence of their error, that otherwise it were ridiculous for our King to request, and the Pope to confer on Cambridge, what she had already; adding, moreover, that the phrase *de Cætero, for the time to come,* implieth, that *de Præterito, for the time past,* Cambridge was no University. But let such know, that in this Bull, Cambridge is confessed a place for students, time out of mind, or (to use the Pope's Latin) *ab olim,* where olim (a word of indefinite extent) is not made the measure of the antiquity of Cambridge, but (which is more) which is only the *terminus a quo,* whence her duration in her learned capacity is dated. This Bull also relateth to ancient privileges of popes and princes, bestowed upon her, which are herein corroborated and confirmed."

Dr. Fuller adds, " Know also—that Studium and Universitas (which words occur in the Bull) are synonymous, though the latter the more fashionable in this age."

Now, admitting that the word Studium may be sometimes the same as Studium generale, and synonymous with University; as for instance, *Studium Parisiense*, for the University of Paris, in an Instrument of this John's, quoted by Twyne, and *Studium Bononiæ*, quoted by Dufresne, for the University of Bononia; still this is not necessarily its meaning, and it may be interpreted any place for study in general. And the Order preserved in the present Bull seems to require that distinction here. It *had been* a Studium for learned men; the Pope confirms this Studium, and further authorizes it in future to be a Generale Studium.

DISSERTATION.

This interpretation, if admitted, will, without the arguments just advanced, invalidate the authenticity of the former Bulls. It would shew, that whatever privileges other popes or kings granted to this learned body, to which Pope John alludes in this Bull—yet that still it wanted that peculiar grant of pontifical authority, which would bind it more immediately to his interest, by that magical talisman of a word, University: and, consequently, that the former Bulls, in which that word occurs are fabrications, and no genuine instruments.

Now, these peculiar institutions, Universities, that is, to borrow Mr. Hobbes's definition of them, "Schools for the Sciences in general, and especially for Divinity," were first introduced about the time of Charlemagne, in the tenth century, and Mr. Hobbes, who was no more attached to institutions thus formed, than his great friend, Lord Bacon, asks, "What other designs was he (the pope) like to have, "but the advancement of his own authority in the countries "where the Universities were erected? There they learned "to dispute for him, and with unintelligible distinctions to "blind men's eyes, whilst they encroached on the Rights of "Kings :"* a desperate bold measure, in the eyes of one

* *Bekemath.* See also Bacon's "Novum Organon," L. I. Sect. 89, 90. where Bacon considers these subjects at large: speaking of Theology, he says, *Quinetiam, ut nunc sunt res, conditio sermonum de naturâ, facta est durior et magis cum periculo, propter Thologorum Summas et Methodos* (alluding to Thomas Aquinas's immense volume, the *Summae*, and similar works,) *qui cum Theologicam (satis pro potestate) in ordinem redegerint, et in artis formam effinxerint, hoc insuper effecerunt, ut pugnax et spinosa Aristotelis Philosophia Corpori Religionis, plus quam par erat,—immiscuerunt.*—With respect to the sciences, he goes on to observe—*Rursus in moribus, et institutis Scholarum, Academiarum, Collegiorum, et similiū conventuum, quæ doctorum sedibus, et eruditionis culturae destinata sunt, omnia progressui Scientiarum adversa inveniuntur.*—Notwithstanding what I have said on the origin of Universities, where I have nearly borrowed the words of Mr. Hobbes, I have elsewhere shewn, and with the proper authorities, that the first reference to any public instrument where *University* occurs for Oxford, is 3 John, 1201; for Cambridge, Hov. III. 1233; and, according to Crevier, for Paris, 1209.

who thought that the Rights of Kings absorbed every other right.

But, these considerations notwithstanding, the lawful constitutional rights of our kings continued; and with respect to our Academies, call them by what name we please, for their fundamental grants and present constitutions they rest on the royal authority. The imperium in imperio of a foreign power, is among the prodigiosa naturæ, formed in nature's sport, or in her spite, or in her scorn. This, however, was dissolved by the *order* of Edward III. as above; as, indeed, that order, as we shewed, proceeded on principles properly English, and essentially constitutional, not to be superseded, though suspended, by the assumption of popes, or the concessions of kings. Henry VIII.'s power, though it grew a monster form by the side of the people, yet by the side of the pope it was a creature well-proportioned and fair.

Non illi imperium pelagi, sæcumque tridentem,
Sed mihi sorte datum; tenet ille immania saxa,
Vestræ, Eune, domus: illâ se jactet in aula
Æolus, et clavis ventorum carcere frænet.

VIRG. ÆNEID. L. I. 141.

But of these matters already.

Drawing now to a close, with respect to remarks on Charters and Bulls, I beg leave to subjoin two or three more words on the latter. It is, we admit, then, one of John's (who gave the University one or two more Bulls,) and it is its own letter of recommendation: it is written with pontifical gravity, and in the exercise of a customary claim—the claim for establishing Universities: it exhibits the accustomed formalities of office in its dates, and has no anachronism of style. Universitas is properly used for a literary corporation, (as used in the diplomas of Henry III.;) Collegium Magistrorum et Scholarium is of the same period; and qualibet facultate, by which is evidently meant, the faculties of arts, law, physic,

DISSERTATION.

and divinity, is both in time and place. For this word was used in that sense, nearly about the same period, in the Universities of Paris, of Oxford, and Cambridge. And I make such cursory observations, not without design: for admitting these as marks of authenticity in John XXII.'s Bull, we, at the same time have fresh arguments in proof of the surreptitiousness of the others.

And here an answer may be given to this question, why Clement V. who, in one of his Constitutions, made at Vienne, in France, (which may be seen in Wood's Ath. Oxon. V. I. p. 156,) mentions Oxford, Paris, Bononia, and Salamanca, does not notice Cambridge? I conceive the proper answer to be, (and more to the point than that given by Wood, though what he says has its proper weight,) that Clement had no evidence before him of Cambridge being, in the *pontifical* sense of the word, a Universitas: for Clement V. was made pope about the year 1305, and this Constitution was given in 1311: whereas John XXII. who gave the Bull, where Cambridge is confirmed an University, was not pope, as before observed, till 1316. John XXII. too it was, who collected the above Constitutions, and hence we may see why he worded his Bull to Cambridge as he did.

To these closing remarks on Bulls, I subjoin one on the Charters already examined.

There is a Charter then of Edward VI. entitled, *Charta amplissima de Confirmatione omnium Privilegiorum Univ. Cant. ab Antecessoribus concessorum*; beginning,

Edw. Sextus Dei Gratia Ang. Fran.—Inspeximus, &c.— it recounts the Charters upwards, of Edw. IV. Rich. II. Edw. III. Edw. II. Edw. I. Hen. III.; there it stops:—it goes on—*Nos autem Cartas et Literas prædictas ac omnia et singula in eisdem contenta rata habentes pro nobis et barribus nostris quantum in nobis est, acceptamus et approbamus, ac delectis nobis nunc Cancellario Magistris et Scholaribus Universitatis prædictæ et Successoribus suis rati-*

DISSERTATION.

415

ficamus et confirmamus prout Cartæ et Literæ prædictæ rationabiliter testantur. In cuius rei Test. has Lit. fieri fecimus Patentes. Teste Meipso apud Leyes:

Decimo Septimo Die Januarii Anno Regni Nostri primo.

MELYSENT.

Now as this *Carta Amplissima* goes over all the Charters from Edward IV. up to Henry III., giving the faithful testimony of an *Insperimus*, as to their existence, it follows, that none, prior to that time, did exist; otherwise they would certainly have been produced. Henry III.'s are equally silent.

Having now examined all such of the above papers as appeared surreptitious or doubtful, I incline to pass over such as are authentic, without any reflections, to serve the purposes that may suit the different tastes or inclinations of our readers. Enough, and (in the judgment of some, probably) more than enough, has been said already; yet, not so much as I intended to say. But on some subjects it is better to say too little than too much. And here, on recollection, it appeared, that I was imposing on myself a task that would prove not only tedious, and almost endless, but which would be unnecessary, and, indeed, inexpedient: tedious, on account of the multiplicity and the variety of materials; unnecessary, on account of the use already made of some things, in the History of Cambridge; and inexpedient, on account of the free remarks that I have made on certain subjects, less pleasing to me, elsewhere: particularly inexpedient on the present occasion, as, indeed, in my History, where I felt no desire, and I found it would not be my prudence, to intermingle subjects that might appear heterogeneous, and would divert the attention of my readers too far from our main design; while, at the same time, I was willing to keep true to such particulars as throw light on the History

DISSERTATION.

and Antiquities of Cambridge, or which remove obstructions to them.

And so here end our remarks on certain Bulls and Charters, contained in this Volume :—and we proceed next, to give a short account of the persons, to whom we are indebted for the Collection.

Of Robert Hare, Esq. a short account has already been given in our first volume of the History of Cambridge, though, from the paucity of materials we could find (there being little more than a bare mention of his name), it was necessarily very brief; but to what is said (Vol. I. pp. 9, 10, of the Introduction to our History), we may add, that he was a Roman Catholic, of family and fortune, in Norfolk; of Caius College, certainly, as others of his family were; though, being admitted before books of entrance and matriculation were regularly kept, it does not appear of what year.—He must be mentioned entirely in reference to his Collections; for of his literary character (though doubtless very respectable) we can form but a slight judgment from transcripts, which all his Collections are.

Those for Camb. University and town, are in four volumes, quarto, with the abbreviations, and letters of the Court hand, and some of the Chancery letters, a hand pretty much in use about the middle of the sixteenth century. He began them at the suggestion of Dr. Capcott, when Vice-Chancellor,* (which was in 1586), and they bear date 1587. So that he was quick in his work. Two copies were taken in 1589; one now possessed by the Vice-Chancellor for the time being, the other by the Public Registrar.—He afterwards proceeded to make Collections of the Privileges of the University of Oxford, beginning with Henry III. The dedication is dated 1592. There are in like manner two copies of

* Tempore Joannis Capcott, S. T. P. tunc Vice-Cancellarii, qui cum ad opus illud summopere incitavit.—*Oxford MS. of Privileges.*

DISSERTATION.

417

these at Oxford, one in the Bodleian, the other in the Tower, where the University archives are kept. The last article in the Oxford book, is dated 8vo. die Febr. Anno decimo octavo Reginæ Elizabethæ. In his Dedication to the University, he announces his intention to present them at some future time with a separate book on other matters; which he accordingly did.

After examinations made of each of the above original volumes, at Cambridge and Oxford, it would be easy to swell this article: but it is unnecessary. All that could be said, must relate to the same subject; and the reader has before him what is most essential concerning Cambridge.

Hare had no remuneration for this work, except the most respectful thanks of the Universities: it appears by the Cambridge letter to him, in full Senate, that it was collected* at his own expence, and written with his own hand. Still, I suspect, he had a powerful motive. A Protestant princess was now on the throne; but the Catholics of that period believed, that the State and Universities of England would be brought back to Popery. I have read a curious manuscript volume written by a Catholic of abilities, where this belief is strongly expressed: “it contaynes certaine notes and adver-
“tisements which seeme might be proposed in the first Parlia-
“ment and nationall Councell of our Countrie, after God of
“his Mercie shall restore it to the Catholick Faith.” It goes through each department in Church and State, and treats much at large of Universities. It was written by R. P., and dated 1596, that is, only four years after the date of Mr. Hare’s Oxford Privileges.

Now, from Hare’s Address prefixed to the Camb. Privileges, he was evidently a zealous Catholic: though written in Elizabeth’s reign, it begins in this decided strain:—*Ad Honorem et Gloriam Omnipotentis Domini nostri Jesu Christi Salvatoris Mundi, ejusdemq. gloriosæ et beatissimæ Gene-*

* This appears also from his own testimony, *magno labore et sumpta.*

DISSERTATION.

tricis Mariæ Virginis, Sanctorumq. omnium cœlestium, &c. To his Alma Mater, then, in her present *lapsed* state, his attachment could not be strong: still he might work under the influence of *principle*, believing, that this offering, presented to her, of *Privileges*, which were her inheritance from the first, would be a memorial and exemplar to her under the “ *Newe Reformation.*”—But so much for our respectable Collector.

There is a similar dearth of materials for any biographical sketch of Dr. Francis Sawyer Parris, who transcribed the more essential parts of Hare’s Cambridge Priv. making to it the necessary additions, as we have them in the present volume: *si igitur, qualis fuerit, quæras, circumspice.*

But in addition, we add, (as seen in Vol. I. p. 31, Hist. Cam.) he was Master of Sidney College, Cambridge, a native of Bythorn, Huntingdonshire. He was admitted Pensionarius Minor, Feb. 4, 1720, S.T.B. 1735, S.T.P. 1747; and admitted Master, in 1746.

Dr. Parris was a gentleman of respectability; and his memory is certainly to be respected by the College, for many valuable books presented to the library, and the pecuniary services he rendered it, when engaged in building the new chapel. He was, as we may conclude from this collection, eminently distinguished for his acquaintance with all matters relating to the University, and seems to have found his great pleasure to consist in copying her records, which service he performed several times over; for there are two volumes of them, similar to my copy, possessed by Dr. Chafy, Master of the College; one volume of the same kind is possessed by the respected Mr. Tyrwhitt, of Jesus College; and by the same chance that I have my copy, there may be those who have others.

They are all copied in a neat clerical hand, without any of Mr. Hare’s abbreviations. I am not aware that he published any thing; but we must conclude, from his minute attention, and more than ordinary assiduity over such-like matters as we

DISSERTATION.

619

now present to our readers, that as Dr. P. was a good scholar in general, so was he more particularly a gentleman of great official punctuality, regularity, and fidelity, both as Master of the College, and as Vice-Chancellor, and public Librarian (which he also was) to the University.

Dr. P. died May 1, 1760, and there is a respectful tribute to his memory on a tablet in the vestibule of Sidney College Chapel.

I now proceed, in order, to say a word or two on the uses to which the present collection may be made subservient: and here I shall be the more brief, because readers can best judge of such matters for themselves; and because, indeed, I have already dropped a few hints on the subject: for, to speak truly, before I prevailed on myself to attempt the Latin Dissertation prefixed to this volume, I had proposed to make the present Dissertation serve that purpose.

So speaking very generally, and with due submission to better judgments, I may be permitted, perhaps, to say, that it may be of value, (as I have before hinted,) in authenticating matters of Cambridge-History; and, in this point of view, it may be a very useful directory and guide, more authentic, certainly, and enlarged, than any we possess. It cannot fail, too, I think, of being useful to University-gentlemen in their several official capacities; nor less so to students, in making them well acquainted with the rites, customs, and duties, appertaining to their several situations. In gentlemen, formerly resident at Cambridge (though now at a distance,) it may awaken remembrances, not unpleasant, of former times, and of controversies, though not to be forgotten, yet now at rest; and if possessed of a fondness for antiquities, it may often assist their inquiries. To some it may be the means of answering doubtful questions on the spot, and, perhaps, of preventing hazardous or tedious altercations, and expensive processes: to others, who have no immediate interest in our Universities, nor any relation to them, (for such institutions must, from their very nature, excite a portion of public

DISSERTATION.

interest,) it may afford amusement, though it were such only as may be excited by curiosity. Nor am I prepared to say, that such a work may not have both a religious and political use. For should the time ever come, (and what has happened may happen again,) that these institutions should be thought susceptible of improvement, it may be useful to have before the eyes a model of the whole building; and I am not aware (I may speak without the suspicion of vanity where I have no share in the execution) that reformers and legislators will be able to find a more perfect one than that now before them. But let others judge of this. For myself, as Erasmus used to say, he had not the spirit of a martyr, neither have I, to speak in a humbler tone, that of a reformer; and I have performed all that some sense of duty seemed to impose on me, in printing these materials, whether for information, or for direction—for amusement, or for thought. And at all events, to those who possess my History of Camb., the chronological tables will afford the means of ascertaining *dates*, which form the joints and strength of history.

As to my little zeal about reformation, this has been expressed, not from a belief that some principles are not more favourable to virtue and human happiness than others, or that I am indifferent to them, but through ignorance of the means, and from a deficiency of power. Under such circumstances, feeble, fruitless wishes may be the very hectic of folly; making brick without straw, or fishing in troubled waters without either hook or bait. The wish, however, of many good men I may be permitted to repeat: May nothing ever rest on our Universities, that is unfavourable to liberty, which is synonymous with virtue and true happiness!

It is not necessary for an editor to avow his approbation or disapprobation of all the particulars which he ventures to publish: it may suffice that they are a fair representation of facts, and that they elucidate a history which he wishes to authenticate.

DISSERTATION.

It may suffice to have said thus much concerning the utility of these papers. An apology for the publication of them may form no improper conclusion. For though the design of printing them is approved by many gentlemen of the first abilities, learning, and worth, I am not ignorant, that it does not meet with the hearty approbation of others. It has, indeed, been suggested, that the publishing of them is not likely to prove useful and profitable to the editor, from the probability of their being unacceptable to many persons, whom they immediately concern.

Editorship may, it is confessed, in some cases, be its own punishment ; and, in the present instance, had I duly calculated the difficulties and mortifications that I was going to expose myself to, I should certainly not have ventured to encounter them. With respect to others, it does not appear to me, why the printing of such papers should be unacceptable, or unfavourable to any one.

The publication was entered upon without any system, and even without any design. All at first intended, was to print a few additions and emendations to the History of the University and Colleges of Cambridge, which it was proposed to present gratuitously to the purchasers of that work : and could this have been effected in a moderate time, within reasonable limits, and at no great expence, nothing further, probably, would have been attempted, or even thought of. But, the sale of the book was too far advanced. For the purposes of booksellers I was too slow in my movements, and too liberal in my labours. So, having plenty of materials, to work I went, determining, at my own hazard, to form them into a regular, extended Supplement to the History, accompanied with the Emendations.

The publication of the Privileges was an afterthought altogether, that sprang up in my mind in an idle moment, while reposing from other lucubrations. But the thought would take its course ; till, at length, it wrought a thorough belief, that nothing which I could write, or that was written by others, about Cambridge, could throw such unclouded light, such

DISSERTATION.

full demonstrative testimony, to its history, as the above documents, if duly examined by studious readers. So it was resolved to amalgamate the whole:—thus originated this *Farrago Libelli*.

And with regard to others, readers will take notice, that there are no Charters or Statutes of particular Colleges: they are of a private concern; many of necessity obsolete, and members, even by some of their statutes, allowed, within certain limits, to let them pass *sub silentio*; and where no such liberty is expressed, from the flux of time, the changeableness of language and opinion, it must be implied;

*Mortalia facta peribunt,
Nedum sermonum stet honos, et gratia vivax.*

Hor.

for the spirit and intention of a founder or benefactor may be preserved, even when his words are obliterated and forgotten; while, in such matters, only Bigotry or Selfishness would intermeddle, who, like freebooters, would confine and fleece the sheep, to obtain the wool. But the liberality of the present times will envy no such liberties; and, on the present occasion, all due deference has been paid to the public opinion:—nor will any thing be found here relating to the properties of Colleges: on such matters, though often with the means of knowledge, the Editor possessed no curiosity:—circumstances these, which, it is hoped, may weaken some objections. But Charters of a University are of a different nature, belonging to the University at large, and, indeed, to the community.

And even these possess many things which are now obsolete and unintelligible; some absurd and ridiculous; others occasional and temporary; with some, which, if illiberal, are happily impracticable. Such things must yield to a limited interpretation, and unavoidable omissions be settled by a Vice-chancellor's dispensing power of absolution.* Should

* Delivered at the end of every Term. Q. Elizabeth's Charter itself (A. R. tertio,) gives a dispensation for all non-usus vel abusus of former Privileges, &c.

DISSERTATION.

423

this publication indirectly prove, in any measure, the means of checking any grosser practices of immorality or impiety, so much the better; but it cannot revive what is obsolete, perpetuate what was temporary, nor add consequence to what is absurd.

With respect to James I.'s imposition of subscriptions on gentlemen on taking degrees, as noticed p. 347 of this volume, this, it is hoped, will, in time, be abolished; for even by Grace 1613, only Bachelors in Divinity and Doctors in aliquâ Facultate, are required to subscribe, vid. p. 234.

Should a period arrive for revising the state of these our learned bodies, then would be the time for recollecting, that every change has not been improvement; that what may accord with the spirit of the times, may be at variance with the object of the institutions; that bigots and mere politicians, that is, men half informed, and hypocrites, aim only to serve themselves, and their party; that virtue which seeketh not its own, with wisdom that can discern, and religion which can respect, the public good, have not always been the presiding geniuses that directed grave-seeming consultations.

Then, too, would be the time for examining into the truth of Mr. Locke's declaration:—"Absolute liberty, just and true liberty, equal and impartial liberty, is the thing we stand in need of. Now, though this has indeed been much talked of, I doubt it has not been much understood; I am sure, not at all practised, either by our government towards the people in general, or by any of the dissenting parties towards one another."—*Letters on Toleration.*

What has been said of forged Bulls and Charters need startle no one, who recollects, that in the times alluded to, forging was quite common, and indeed had long before extended to coins, medals, seals, and entire histories; the design was not considered gross, nor the execution difficult, nor the discovery to be apprehended: and, though to modern

DISSERTATION.

ears it may sound so dreadful, as to be scarcely credible, that men devoted professedly to religion should fabricate things of this kind, yet certain it is, that the principal manufacturers of them were monks, who thought themselves justified in securing whatever they coveted, and by whatever means they pursued it; nor need it startle us, that some of their pious frauds should have come down to us, nor that learned men should have spent some time in exposing them*. For, as on the one side, the monks had reduced their practices to an art, so, on the other, have rules as regular been laid down by many writers for its detection.

Suffice it here to say of the spurious writings alluded to, at present, that they are now matters of mere curiosity, which do not affect a single custom, a single statute, or a single privilege. For though we have seen, that they are not in the Inspeximus of Edw. VI. which comprehends Charters up to Hen. III., nor in any Charter of Hen. III., (that is, in the *most* ancient) still the Privileges of the University rest secure, independent of them, under the protecting shade of the royal authority of Hen. VIII., Edw. VI., and Queen Eliz.

The Charters and Bulls themselves have been so repeatedly published, that they cannot be reckoned among our curiosities, nor need be shrunk from as our arcana; and this consideration renders any apology for the remarks here made on them the less requisite, and all apprehension from the perusal of them quite unnecessary.

* Most authors on the subject of coins and seals have written distinctly the rules for discovering the true from the false; see a list of the writers in Fabricius's *Biblioth. Antiq. C. XVI.* Heineccius, Mabillon in his *De Re Diplomatica*, and particularly Dr. Hickes, in his *Dissert. Epistolaris*, Anderson, in his *Diplomata Scotiæ*, and Ruddiman, in his *Preface* to that work, have amply considered the subject, in reference to Charters and Bulls. Dr. James has published (1688) a considerable volume, on the *Forgeries of Scripture, Councils, and Fathers*; and Fabricius, an entire volume of *False Gospels*, 1703. Ede, Ingulph, and the monkish writers in general, overflow with forgeries; nor are even our old British and Saxon laws exempt. Vid. *Ll. Wallicæ Hoeli Boni*, by Wotton, p. 197. *Ll. Anglos.* by B. Wilkins, p. 196. Sharp's *Account of the ancient Division of the English Nation, &c.* p. 71.

DISSERTATION THE SECOND.

THE preceding Dissertation has lain by the Author a considerable time, after being printed. It has been since reconsidered, and it occurred, that two or three ideas but just opened in it, might be carried to a more proper length, a few things only alluded to, more clearly elucidated, and others, which had been left in purposed obscurity, be expressed in more ample language, and with a less dubious meaning. Thus, the Royal authority in our Colleges and Universities has been spoken of in contradistinction merely to the claims of the Roman Pontiff; whereas it is capable of being, and ought to be, considered in reference to that of the Chancellors, of the local visitors, of the metropolitical visitors, of the Vice-Chancellors, and of the whole academical bodies in full senate.

So again, where mention is made of ignorance of the means of reformation, deficiency of power, and little zeal (see the preceding Dissertation, p. 420), it was not intended to express a doubt as to the Constitutional means and right of reforming these places, should reformation be required; —these following of course, and becoming quite conspicuous, after considering the nature and extent of the Visitatorial power—nor a slight conviction as to some things which would admit of, and which do absolutely require, reformation; but rather, the difficulties, the obstructions, and perplexities, which, from a variety of causes, lie in the way. The language, therefore, was that of caution and candour, and something of modest deference, rather than of transient observation, slight conviction, or a lukewarm indifference.

Further, as our observations related to Cambridge, they might be expected to be illustrated by examples drawn from the History of that University: nor will it be necessary often to refer back again to them. But the remarks are, in part, applicable to Oxford; and what follow will be derived prin-

DISSERTATION.

cipally from the History of that place; partly, for the sake of variety, and partly, of a remarkable case, which will be introduced, and with which they will be in some measure connected.

We shall find, then, in the History of Oxford, the King acting—in opposition to the Pope; as in the Brief* of Edward I., confirmed by a Parliament assembled at York, against the Preaching Friars, and in defiance of Popish Bulls; and in the Order† of Edward III. confirmed likewise by Parliament, commanding the Friars to renounce and suspend the execution of the Pope's Bulls:—in opposition to the Vice-Chancellor (who was the Ordinary), with his Proctors, as when by 49 Edward III. the King abrogated Statutes, made by the Chancellor, Proctors, and Heads of the University, who were cited before him, and removed for contumacy, though they pleaded the Pope's Bulls, A. 1411;—in opposition to the Archbishop of Canterbury, who was *alterius orbis Papa, the Legatus Renatus*; as when Hen. III. on going to Gascoigne, appointed Gualter Gray, Archbishop of York, Will. de Cantalupe, and William de Eboroco, guardians of the University, to receive complaints during his absence, though the Archbishop of Canterbury and Bishop of Lincoln had the government of it, according to the Canons: and, in short, from the whole tenour of Oxford privileges, those granted by Hen. III. 1255, and by his successors, Edw. I. 1275, Edw. II. 1315, Edw. III. 1327, (when, after an *Insperimus*, he confirmed those privileges) down to Hen. VIII. we may adduce the same conclusion.

Agreeably, too, to this character, Edw. III. abrogated some of their Statutes, and it was the intention of Hen. V. according to Ross‡, had he lived, to have introduced some

* Ayliffe's Hist. of Oxford, Vol. II. p. 19, 20.

† Ibid. p. 22.

‡ Iste Rex Henricus, si vixerat, proposuit in Castro Oxonie nobile fundasse Collegium, in quo septem scientiae profunde laborarentur, et ad alio-

DISSERTATION.

427

literary improvements at Oxford :—from these several circumstances, we learn what ideas prevailed in those early times of the royal power, as supreme in this University ; and the extent of that supremacy, as exercised in both Universities in a later period, we are taught by what passed at the Reformation.

It should, however, be observed, that by the word *King*, in the preceding examples, I do not mean the man *natural*, nor the man merely *regal*, or *tyrannical*, but the man *political*, according to old Chancellor Fortescue's wise and correct distinction ; *Principatu namq. nedum Regali, sed politico, ipse suo populo dominatur : Si regali tantum ipse præ-
esasset eis, Leges regni sui mutare ille posset :—yet, at the same time, Non minoris esse potestatis Regem politicè imperantein, quam qui ut vult, regaliter regit populum suum* *. In short, by the King, the *Rex NON REGALITER regnans*, sed *politice*, I must be understood to mean a King, who rules by the laws, and is *incorporated* into them, by which

rum doctrinam abunde docerentur. Hanc Ordinationem dum puer eram, in Scriptis Oxoniæ vidi, sed quia tum eram minoris Ætatis, quæ vidi non diu memoriter tenui. Hist. Reg. Angliæ, p. 208, as edited by Hearne in Vol. X. of Leland's Itinerary. It has been said, by a certain writer, that Ross observes, Henry (9 Hen. V. as referred to by him) intended to alter the Statutes: but Ross does not directly assert this, and I suspect he was mistaken in what he does assert: had there been any such record of the date mentioned, and as having been seen by him when a boy, it is not likely it would have escaped the researches of the Oxford historians. Anthony Wood, however, asserts, Hist. Antiq. Univ. Oxon. Lib. I, p. 209, hastily, I think, if on the authority of Ross, that Hen. V. intended to have amended the Statutes. As to Ross, he speaks memoriter from what he saw when a boy, without it may be fairly presumed reading, or reading probably the title hastily: there is a large charter, confirmans Antiqua Privilegia, of the date of 1 Hen. V. that may be seen in the Appendix, Vol. II. of Ayliffe's History of Oxford; but I know of none of the former date, 9 Hen. V. It is a long recapitulation and confirmation of privileges, and alludes to some design, “super poenis pro securiori conservatione ipsius Universitatis,” &c. which is what, I suppose, Mr. Wood alludes to.

* De Laudibus Li. Angliæ, cap. 9, II.

DISSERTATION.

incorporation, his *Acts* (meaning always his legal acts) become the *Acts of the Parliament*, or of the Supreme Government; that is, an English King.

Thus, the above *Acts of the King*, being either confirmed and passed by Parliament, or issuing from a branch of the kingly power acknowledged by it, are to be considered not as acts simply regal, but political and parliamentary—the King's Brief (12 Edw. II.), confirming all the former Oxford Charters, running thus—*Rex, &c. coram nobis in concilio nostro in præsenti Parliamento nostro apud Ebor. convocato, &c.*—and I studiously and purposely mark these distinctions, because certain Oxford writers, in order to invest our Kings with a power simply regal or tyrannical, have not. Thus one of them frankly, but foolishly, enough ; “ And here you may please to consider, that the Foundation of the University being the King's and his predecessors' *personal act*, his interest lies not within the reach of that beaten evasion of a *public or politic capacity**.”

The remarkable case at Oxford, alluded to at the beginning of this Dissertation, was the interference of the royal authority in matters of academical economy, by the appointment of a President of Magdalen College. It occurred long after the Reformation, when the extent of the royal power in our Universities was more fully exemplified than will be now justified, viz. in James II.'s reign, 1687. It will be observed, however, that the proceedings relate to a private College; but they were of such public notoriety,

* *The Privileges of the University in point of Visitation.* 1647. It is without a name, but was written by Dr. Gerard Langbaine, and is understood to have expressed the sentiments of the University at that time, when the Parliament was about making a Visitation of it.

The doctrine, which makes no distinction in natural, regal, and political authority, was more amply laid down in a later period by Sir Robert Filmer, in his *Patriarcha*: and Mr. Locke, in his confutation of it, has maintained, and fully established, the distinctions laid down by Fortescue. See Locke's *Two Treatises on Government*; particularly, Treat. 1, ch. ix. and Treat. 2, ch. xv.

DISSERTATION.

420

they occasioned so much discussion, and, particularly, they led to so thorough an examination of the principles on which the Visitatorial authority of the King over our Universities in general is founded, that I have selected the case in preference to any other example. The period when it occurred was, it must be confessed, a most critical one, viz. between the Reformation, when, with a short interval, prerogative was stretched to its utmost pitch, and the Revolution, when it was confined within more reasonable, constitutional limits. The case, then, was as follows.

On the death of Dr. Clarke, President of Magdalen College, the King granted a *mandate*, recommending Anthony Farmer, A. M. into his place, *any statute, custom, or constitution, to the contrary, in any wise notwithstanding*, wherewith the King was pleased to *DISPENSE in his behalf*. The President and all the Fellows petitioned against this dispensation, Mr. Farmer being, in their judgment, unqualified, according to the Founder's Statutes, for the office. The petition was endorsed April 10, 1687. About the same time, the Bishop of Winchester, the *local visitor*, wrote a Letter to the Lord President, stating to him, that the appointment of Mr. Farmer would be *contrary to the Statutes* of the College, and to the oaths taken by the Fellows; and (the Vice-President and Fellows having elected Dr. Hough, afterwards Bishop of Worcester) the Visitor admitted him to the presidency. The College at the same time presented an address to the Duke of Ormond, stating to him the words of their oath, and that, in compliance with it, they could not choose Mr. F., *an unqualified person*; that being forced by their Statutes to proceed to the election within a limited time, they had chosen a loyal person, Dr. Hough, whom they accounted statutably qualified for the place; entreating, at the same time, his Grace to interfere with his Majesty on their behalf. In the case of the Vice-President and Fellows, as stated by them, among other particulars, they represented, that there was an express clause in their

DISSERTATION.

oath, taken by every Fellow on his admission, wherein he swears, neither to procure, accept, nor make use of, any dispensation from his oath.

The King was most strenuous in this business, and appeared personally at Oxford; but the Vice-President and Fellows, abiding by the dictates of their consciences, would not elect Farmer.

The King, on hearing what had passed, ordered the *Lords Commissioners for Ecclesiastical Causes* to proceed against them; when the Vice-President, with certain of the Fellows deputed, gave in their reasons, which have already been stated, why they could not choose Mr. Farmer for their President; to which statement they subjoined the statutes for regulating the election of a president, together with the oath taken by them when made Fellows. The Commissioners, however, declared the election of Dr. Hough set aside, and after removing him from the Presidency, summoned the Fellows to appear before them in the Council-Chamber at Whitehall, to answer for *contempt*.

It appears that Farmer, besides his other disqualifications, was an immoral man. So the King, still asserting his *prerogative*, together with his claim of dispensation, granted another mandamus, to admit the Bishop of Oxford to the office: but, in answer to the Lord President's Letter, it was replied, that the place was filled; that Dr. Hough had been elected: but, in another Letter to his Lordship, the Fellows said, that if the King thought proper by his own *proper authority* to constitute the Bishop of Oxford President, they would readily acknowledge and obey him; but begged to be excused choosing him, which they could not do without violating their oaths.

As the King and his party were most strenuous on their side, the Vice-President and Fellows were no less decided on theirs; and, eventually, did not only not choose the Bishop of Oxford, but thought themselves justified in not admitting him, when nominated in the King's mandate.

To cut the matter short, Royal Commissioners were at length appointed, who met at Magdalen College-Hall—the Bishop of Oxford was confirmed and settled in the Presidency, and the Vice-President, with all the Fellows, one or two excepted, who were more complying, were ejected, for disobeying the King's mandate, and, further, for what was called *contempt*.

The conduct of James kindled, as might have been expected, a violent flame through the nation at large, as well as in the University; and various publications were issued on the subject*. On the one hand, those who were alarmed at the King's Popish principles, and abhorred his political measures, (such as afterwards hailed the Revolution, as the great national deliverance) examining the proceedings by the principles of the common law, by the Statutes of the College, and the nature and obligation of an oath, considered the Fellows as the advocates of liberty, and martyrs to their principles. On the other, those who defended the King's cause, considered them as rebellious, pleading the King's right to set aside statutes, to dispense with oaths, by arguments taken principally from the civil and ecclesiastical law.

As the above case is particular, referring to a private college, it does not, agreeably to what was intimated above†,

* There was published "An Impartial Account of the illegal Proceedings against St. Mary Magdalen College, Oxford, in the Year of our Lord 1687;" and in 1689 it was enlarged, and republished, as collected by a Fellow of the Society, after the return of the Fellows at the Revolution. A much larger work, called also an Impartial Relation of the late Visitation, was published in 1688, by Dr. Nathaniel Johnston, at the command of his Majesty. The principal difference in the accounts of these two parties concerns the Examination relating to Mr. Farmer's immoralities, which is given at large in the Fellow's Account, but suppressed in Dr. Johnston's. There was also published in 1688 a Vindication of his Majesty's Ministers, in respect to these proceedings. This Vindication also appears to have been published by authority.

† See the first DISSERTATION, p. 422.

DISSERTATION.

fall properly within the limits of our inquiry. It has, however, been stated here, because the perusal of it may lead to a more general topic, the nature and extent of the King's authority, as the supreme visitor of our Universities, for the purpose of redressing grievances and reforming abuses. For though, as we shall see, and indeed has been seen already, our University Courts proceed on the principles of the Civil Law, according to which quod Regi placuit, Legis habet vigorem, yet they are not properly ecclesiastical courts: the power of dispensing with oaths, of setting aside laws, and of creating at pleasure new commissions, on which our Tudors and our Stuarts so confidently acted, was derived from the practice of the Papacy, countenanced indeed by the spirit of the Civil Law, but is not agreeable to those of our Common Law, and of the ancient, and happily for us, the present constitutional character of a King of England *. Cases there are, where promises cannot be fulfilled, do what we may, and where even oaths must give way; but at what time, and under what circumstances, is one of the nicest points in morals and religion; certainly not at random, from any motives of interest, or convenience, or fear, or at the will and command of a monarch. Here conscience only can guide. With respect to the Fellows of Magdalen, it must be observed, that theirs was not the situation of persons violating statutes, where there might lie an appeal from the local Visitor to the King, as supreme Visitor, but of men abiding by their statutes, and justified by the proper interpreter of them, their local Visitor: nor again, was the King in the situation of one (with his Parliament) coolly altering statutes, and new-modelling an academical body, according to any supposed system of reformation, or in accommodation to any new plan of government,

* Sed non sic Angliae Statuta oriri possunt, dum nedium principis Voluntate, sed et totius regni assensu, ipsa conduntur, quo populi laetitiam illa efficere nequeunt, vel non eorum commodum procurare. Portescuz de Laudibus Li. Angliae, cap. 18.

DISSERTATION.

433

settled by the Legislature; but in that of one acting in the spirit of an autocrat, proclaiming regaliter, sic volo, sic statuo: stet pro ratione voluntas; for it does not appear, that in issuing his extraordinary mandate, the King assigned any reason—the ecclesiastical and other commissioners, though not without forms, proceeding in the most summary way—nor did the Bishop of Chester*, one of them, once intimate, that the Fellows in the particular instance of non-compliance with his Majesty's pleasure, had broken a single statute;—but, rather, “that they had opposed his Majesty's “will and pleasure, who had required them to admit the “Bishop of Oxford into the place of President, any sta-“tutes, custom, or Constitution to the contrary notwithstanding, with which he was graciously pleased to dispense, and to which he expected their ready obedience.” So that most readily do I agree with one of the learned Counsel, in the case of a late memorable appeal†, who, in alluding to this example, justly observes, “that no act of the despotic monarchs of the House of Stuart was more odious, or more hostile to the spirit of English laws and English freedom, than that of the interference of James II. in the transactions relating to Magdalen College, Oxford:” and among the friends to the Revolution, there can exist now little diversity of opinion on the subject; it being “declared in the Bill of Rights by the Lords spiritual and

* The Bishop of Chester, towards the close of these proceedings, addressed the Fellows in two long High-Church speeches.

+ Report of the Proceedings on the Case of an Appeal preferred by the Provost and Scholars of King's College, Cambridge, against the Provost and Fellows of Eton. By Philip Williams, Esq. 1816.

The Appeal itself, as preferred A. D. 1814, and the Answer, have been published by another gentleman, with Remarks on Mr. Williams's Report of the Pleadings, the latter being, according to the writer, defective in some facts and arguments, which though, as a legal case, they might be considered irrelevant, are by him viewed as interesting to those more immediately concerned, viz. such as are any ways connected with those two Societies.

DISSERTATION.

temporal, and Commons assembled in a full and free representation of this nation, that the pretended power of suspending of laws, or the execution of laws by regal authority, without consent of Parliament, is illegal; and, that no declarations, judgments, doings, or proceedings, to the prejudice of the people in any of the said premises, ought in any ways to be drawn hereafter into consequence or example, the power of dispensing with laws, or the execution of laws, as exercised of late, being illegal."

It may be observed, that as there are instances where bad laws may be over-ruled, to the public benefit, so are there others, in which such as are good may be misapplied; and what, if rightly and legally administered, might remove disease, by a perverted use, may operate as poison, and produce instant death. And with these remarks, we proceed to consider the grounds and reasons of the King's or Queen's Supreme Visitatorial authority in our Universities.

It will be recollect'd, that as single Colleges are Corporations, so is the aggregate of Colleges one great Corporation; and in the same sense, in which the King is supreme in ecclesiastical matters, and the Fons Potestatis of all civil executive authority under Parliament, so is he supreme over all corporations. Colleges and Universities, like other corporate bodies, are supposed to originate in him *; for,

* Judge Blackstone, who has written so well on the subject of Corporations, divides them into *Ecclesiastical* and *Lay*; and he subdivides *Lay* into *Civil* and *Eleemosynary*. Universities and Colleges are equally alike, and distinctly, Corporations: but he ranks Universities under Civil Corporations—"The rewards," says he, "there being, *pro opera et labore*, not charitable donations only, since every stipend is preceded by service and duty." Colleges he ranks among Eleemosynary Corporations, "being," he adds, "founded for two purposes—1. for the promotion of piety and learning by proper regulations and ordinances—2. for imparting assistance to the members of those bodies." His distinction appears correct and true: but as well Colleges as Universities he considers, strictly speaking, Lay Corporations, "although they, in some things, partake of the nature, privileges, and restrictions of ecclesiastical bodies." Comment. on the Laws of England,

though founders and benefactors may endow them with lands and other property, though they may make statutes, or cause them to be made by their heirs and successors, or local Visitors, still, by whomsoever such property is bestowed, and such statutes are given, the grant is derived from him: the royal charter is what constitutes them Corporations: and all their rights of mortmain, and all their privileges, are derived from the sanction of the Prince acting with, and as, the supreme authority: and, as a Royal Charter of a University gives the Privileges of a Corporation, so does the receiving of Privileges imply an acknowledgment of a supreme Power;—and accordingly, in all matters of appeal, however they may have been doubted, or disputed, in their first stages, in our Universities, the final appeal was to that. This authority, too, is constantly perceived and felt in the ordinary language and regular œconomy of the place, particularly in the Royal Mandates for degrees—the most prominent part of academical discipline—it is from the beginning acknowledged in all ancient instruments, and on great occasions it may be called forth with a powerful energy, and to a great extent; abolishing old statutes, giving new regulations, superseding ancient customs, prescribing the order of literary pursuits, and, in short, new creating the whole face of things.

B. I. ch. 18. Of Corporations, in general, he observes, “ With us in England, the King’s consent is absolutely necessary to the erection of any Corporation, either implicitly or expressly given: his implied consent is found in those Corporations which exist by the force of the Common Law, to which our former Kings are supposed to have given their consent; Common Law being nothing more than custom arising from the universal agreement of the whole community;” and the remark which follows is to be considered as in immediate connexion with the above passage, and is to be expounded by it; for, after observing, “ that (till of late years) most of those statutes, which are usually cited as having created Corporations, do either confirm such as have been before created by the King; or, that they permit the King to erect a Corporation *in futuro* with such and such powers, he adds, so that the immediate creative act was usually performed by the King, in virtue of his royal prerogative.

DISSERTATION.

This supreme authority over our Universities has, I apprehend, a threefold support; 1. in our Common Law; 2. in the Civil Law; 3. in the Ecclesiastical Law.

1. With respect to the Common Law. It has been elsewhere made appear, that the word University was used, in ancient times, for bodies corporate, before it was applied to institutions for the liberal sciences. It may be added, that in our common-law writers it was synonymous with Corporations;—thus Bracton *: “Si Rex concesserit alicui Universitati, sicut Civibus et Burgensibus.” Universities are, therefore, what Sir Edward Coke calls all corporate societies in general, “Creatures of the *Crown*,” by which he means what Fortescue intends by a *Politico-Regal King*, such as is owned by the common law of England; and Coke maintains of Corporations, they are made legal four ways—1st, by Common Law, as by the King himself; 2dly, by authority of Parliament: 3dly, by the King’s Charter; 4thly, by Prescription. Now these are all in reality by Common Law; for what is done by Act of Parliament becomes the law of the land, and must have had the royal sanction; and what stands on prescription, supposes a previous grant, though it may be lost.

Those who suppose that all the Royal Charters of Privileges, prior to the time of King Stephen, are genuine, must allow them to have been granted in the proper character of a King of England, under the shadow of the Common Law; for, till the time of that Prince the Civil Law was not admitted here: and, though I have defended the contrary opinion, viz. that most are spurious till the time of Hen. III. it does not follow † that I suppose no privileges

* Lib. II. fo. 5, 6. Coke, 10 Rep. 29.

† Though perhaps more than enough has already been said on the internal evidence of the inauthenticity of some of our early charters, yet on the external I beg leave to subjoin a few more particulars, in confirmation of what has been advanced.

It has been shewn to be highly probable, not to say certain, that the old-

were given before that period: on the contrary, as our law courts would suppose, so I am willing to suppose, that

the earliest Charter extant of Cambridge-University is of the reign of Hen. III. that of Oxford is referred to sometimes, as being of the same reign, A. 1248. In *Tur. Scholarum*. See Ayliffe's Hist. of Oxford; though I have perused an instrument of an earlier date in the same place, viz. 3 Joannis, A. 1201. See Sup. to the University of Cambridge, p. 153.

Whatever privileges then these places enjoyed, and whatever were the means of conveying them, it is highly probable, that no such Charters, genuine, at least, as those which have been brought forward, should be in existence before the time just mentioned, and for these *additional* reasons.

Near this time (viz. under K. John) a reform took place in keeping such public instruments and Charters as passed the King's seal: till that time, they had not been kept separate and distinct, so as to remain on record according to the method afterwards observed; the reason and grounds for which may be seen in the *Introduction* (p. 10, 11, &c.) to Sir Josiah Ayliffe's Calendar of the *Ancient Charters*, in the Tower of London. This practice was uniformly followed afterwards, and in executing it a regard was had to authentic Charters of preceding reigns, that such records might be referred to in evidence of the people's rights, and be rendered accessible to the King's subjects. Among the *Chartæ Antiquæ* (the most ancient that we possess), there are extracts from Charters of our ancient kings, before the time of K. John. See Mr. Jones's Index to the Records, p. 20; and though the Charters of the town (given by K. John) are there, no Charter of the University before Hen. III. has been found in the Exchequer or the Tower.

Many other public instruments begin in the reigns of Hen. III. Edw. I. II. III. at which period I suppose that our first Cambridge-University Charters begin. Thus the *Placita Coronæ*, the *Memoranda* and *Originalia* of the King's Exchequer do not commence till 1 Hen. III. though the method of making Estreats from Charters, Patents, &c. was observed before; and the most ancient *Inquisitiones post mortem*, remaining in the Tower, are of the reign of Hen. III. The most ancient *Statute Roll* in the Tower begins with the Statute of Gloucester, 6 Edw. I. The most ancient *Assay Roll* of the Mint is referred to the reign of Edw. I. The *Inquisitiones ad quod Domanum* are of the date 1 Edw. II. See Ayliffe's *Introduction to Chartæ Antiquæ*, as before. So again, the first writ for summoning Parliament was 49 Hen. III. See Dugdale's "Perfect Copy of all Summons of the Nobility to the Great Councils and Parliaments of the Realme, from the 49th of Hen. III." and Alsunge's "Manner of holding Parliaments in England." All these ideas are favourable to the opinion, that the Charters introduced into our Historian of Cambridge before the reign of Hen. III. are not genuine.

DISSERTATION.

where a corporation exists, acknowledged in the *confirmation of privileges* and posterior *Grants*, of successive Kings,

I lay but little stress on what is advanced by some, (and even in favour of the authenticity of our old Charters) that the *original Charters*, for which they contend, were burnt by the townsmen in the riots of Edw. II.'s reign; for it should seem that the Charters then burnt were only those very Charters given by Edw. II. himself; for thus 5 Rich. II. reads—*Chartas aliasq. litteras Patentet et Privilegia Sub Sigillo Regis, qui NUNC est, consignata, ac dictae Universitati concessa—Quas Cartas, &c. dicti Major, Baillivi, &c. in Foro dictae Villæ violenter cremaverunt.* The King accordingly, 7 Rich. II. gave them other Charters, and those very Charters, together with those up to Hen. III. are among the *Rol. Cartarum* in the Tower; none higher: so that I must be allowed to abide by the opinion, that we have no authentic Royal Charter, which concerns Cambridge, beyond the reign of Hen. III. It is a circumstance, highly honourable to this present reign (of Geo. III.) that, under the direction of the late Speaker of the House of Commons and his Secretary, Mr. Rickman, now one of the Clerks of the House, the public records of this country have been brought into excellent order, for they had been for some time in great confusion. See “The Reports from the Select Committee appointed to inquire into the State of the Public Records of the Kingdom, ordered to be printed by the House of Commons 4 July, 1800, and subsequent Years.” The gentleman who was employed on the Records of the Tower is also joint editor of the *Magna Britannia*. I thought it, therefore, a proper time, and that Mr. Lysons was the proper person to ask, whether, after the new arrangement of the Records in the Tower, he had been able to find any Charter relating to Cambridge University higher than the reign of Hen. III.? He replied by asking, “Do you think if I could, I should not have given it in my *Magna Britannia*? ”

I lay no great stress on the silence of some very early, but less general, Charters on the names of the Royal Grantors of Charters, who preceded them, as being sometimes written in general language, *Regibus Anglie, Antecessoribus Nostris, &c.* nor on the silence of any more general Charter—though indeed the former sometimes announce their names, and the latter, if not always, commonly, do—Thus, in more ancient times, those of Rich. II. refer to those of the Edwards and Henrys; that of the 1 Hen. V. (Oxford Chart.) runs over the Grants, and the names of the Royal Grantors, up to Hen. III. as we have shewn Edw. VI. does in his *ample Charter* to Cambridge. That of Hen. VI. A. Regni sui 37 (Cambridge Privileges) refers to Rich. II.'s Charter: so, in regard to the ample Charter (A. 1510, 2 Hen. VIII. Oxford, the King refers to that of Edw. IV. and others: and Edw. VI. to Charter, A. 1523, 14 Hen VIII. and the Charter of Incorporation of the Colleges and Universities of Oxford and Cambridge, 13 Eliz. chap. 29, refers, in like manner, to those of Hen. VIII. The same practice was fol-

DISSERTATION.

459

that there must have existed some prior Grant, by which it was at first constituted a body corporate, (which is what is

lowed in some Oxford genuine Popish Bulls, as in Pope Sixtus IVth's (Wood's *Antiq. Oxon.* Lib. I. p. 280,) and, for obvious reasons, would be in the confirmation of the supposed Cambridge ones of Sergius and Honorius; and this seems to have been the rule with respect to other corporations, as with the Cinque Ports. Thus King John, in a Charter to Dover, refers to privileges formerly granted; and Edw. I. who also gave Dover a Charter, says, he had seen Charters given by his grandfather, Hen. by John and Will. I. and Edw. the Confessor. See the *History of the Town of Dover*, Vol. I. By the Rev. Mr. Lyon.

Now, that from the time of Queen Elizabeth up to Hen. III. the name of any royal Grantor, prior to the reign of the latter Prince, should not once have occurred, nor that Hen. III. himself, though he gave several Charters, should not once have mentioned the name of any one of those his Royal Predecessors, who gave the specific Charters, here supposed (without entering on their *internal evidence*), is surely a very strong presumption against their authenticity, far more strong than all the testimonies united that can be produced by Cambridge Antiquaries, to prove them genuine.

One concluding remark on these Charters, which, I beg leave to add, arises from the testimonies of Mr. Prynne and Mr. Madox's *History of the Exchequer*, as referred to in the Introduction to Sir Joseph Ayloffe's *Calendar of the Char. Antiq.* which is, that many of our records were destroyed during the wars between the King and Barons, in the reigns of K. John and Hen. III. and of the Houses of York and Lancaster, and many in those between the Empress Maud and King Stephen; so that, to say nothing of damps, mildews, dust, and negligence, those acknowledged destroyers of old writings, it may be presumed, a similar fate befell many other of our national monuments, which must have passed under the Great Seals of our princes, and been preserved in the Records of the Chancery. We may therefore consider the silence of Hen. III. in all his Charters, as external proof, that no Charters of the University of Cambridge had at that time any legal existence at least; and from the internal evidence on the Charters in question, according to the rules laid down for examination by the learned Dr. Hickes in his *Dissertatio Epistolaris*, it is most probable, that they had no existence at all.

On our Popish Bulls I shall make no further observations, except in the way of adding Mr. Prynne's name to the list of those who thought them spurious; and as an inquirer into ancient records, no man was more indefatigable than Mr. Prynne, as a public Visitor to the University of Oxford, appointed such by Parliament, no one more interested in being correct, and as an honest man; no one more prepared to speak according to evidence. Mr. Prynne furnishes us with no reasons for his opinion, but reasons over-

DISSERTATION.

meant by prescription) though the original cannot be produced, and though the Charters in being may not be the

doubtedly he possessed, which fully satisfied his own mind. In his Treatise, entitled, "The University of Oxford's Plea refuted, or a full Answer to a late printed Paper, entitled, *the Privileges of the University of Oxford in point of Visitation*, having occasion to allude in his text to the Bulls of Sergius and Honorius, he puts in his margin some such words as these; (I have not now the book at hand), "These Bulls of Sergius and Honorius are Bulls indeed!"

This attempt, in connexion with what has been said elsewhere, to remove a little rubbish and verbiage from the early part of our Cambridge-History, will, it is hoped, be compensated by the light thrown on the periods immediately following; the reigns of Hen. III. of the three Edwards, and Rich. II. For it will be found, that our academical Records, during those periods, possess, in proportion to the nature of the subject, and for an historical detail of our Academical Republic, many advantages even superior to some of our National Records for the purpose of a public narrative; as will appear by stating a few particulars.

Neither The *Articuli super chartas*, the great Charter of King John, nor that of K. Henry, are now to be found on any known Rolls of those princes; this, however, is only mentioned as a remarkable circumstance, for though not on any extant Roll, they are in existence. But, of the National Records of the reigns of Hen. III. the three Edwards, and Rich. II. many are much mutilated, and some are absolutely lost. Thus, though according to Elsynge (Manner of holding Parliaments in England) and Dugdale, (Perfect Copy of Summons, &c.) the *Writs of Summons and Returns to Parliament* began at the 49th year of Hen. III. yet the oldest Rolls of Parliament now in existence are those of three Parliaments in the reign of Edw. I. and the Rolls from that period to the reign of Edw. III. are also lost. *Introduction to Ayloffe's Calender to Ancient Charters.*

Elsynge (Ch. viii. p. 262) commences his Account of Receivers and Triers of Petitions, with the Parliament, 6 Edw. III. and the first Bundle of Petitions, with Judgments on them, now in the Tower of London, are, 1 Ric. II., though the practice of presenting petitions to Parliament is known to be of a much more ancient date. Hence it has happened, that some doubts have remained as to the ancient formalities on the subject of petitions.

Even the *Placita Parliamentaria*, preserved in the Tower, do not begin till Edw. IIId's reign; and of those of an earlier date, in the Chapter-House of Westminster, some are very defective.

Various other defects, mutilations, and losses, will be found in the Public Records, during the same period, which are pointed out by inquirers into our National Muniments; and, yet it was during that period that great

genuine ones: and on this supposition, as in the former case, Royal Grants must have been grounded in the Common Law, for the reason already assigned.

In the 13th year of Elizabeth's reign passed that memorable Act, concerning the several Incorporations of Oxford and Cambridge*, and the confirmation of their Charters, Liberties, and Privileges. Many of their old Charters and Privileges, by acts subsequent to them, had been annulled; and this is the act on which the Privileges now entirely rest, being placed under the shadow and protection of the Common Law. For, though we know that some acts of Parliament, particularly in those arbitrary reigns, were but little according to the genius of the Common Law, being expressive merely of the will of the prince, yet all parliamentary acts, in becoming the law of the land, are presumed to be agreeable to the Common Law, and if they are not, there is a dereliction of the rule presumed†: besides, Henry and

attention had been paid to them, and not continued from the death of Edw. III. till the full establishment of the Reformation.

On the other hand, our academical Records, during the same period, if Mr. Hare has been a faithful copyist, (and his faithfulness I have never heard questioned) are preserved in perspicuity, and possess authority; not interrupted by losses, perplexed with omissions, nor metamorphosed by additions and transmutations: they are brought out of their masses of general confusion; and are regular, clear, and well arranged. The matter of some may, at the time, have occasioned altercations; the meaning of others may since have admitted of disputes; and in the present times, the quality of others may be liable to objections: still the limits are fixed and known; the facts are in a tangible shape; and the chronologies are adapted to the purposes of genuine history.

* 13 Eliz. chap. 29.

† Mr. Hooker well understood, and in his famous 1st Book of Ecclesiastical Polity, particularly in Section the 10th, well-followed, the Elements and Principles of our Common Law, as would appear on comparing them with the "Abusion de la Common Ley, Ch. v. Sect. 1. of *le Miroir des Justices*." He well knew, "that to command whole societies of men belongeth properly unto the same entire societies," and "that laws are not therefore, which public approbation hath not made so—either in their assent by voice, sign, or from others doing it in their names by a right origi-

DISSERTATION.

Elizabeth, in claiming the supremacy in church and state, were thought to act only in conformity to the ancient rights of the Kings of England, and to the high rank which they held, as Guardians of all Corporations, whether ecclesiastical or lay, eleemosynary or civil, and with respect to Colleges and Universities, more especially, as the high supreme Visitors for adapting these foundations to their new establishments. And all this was accounted to be according to the genius of the Common Law of England.

The advocates, then, of the royal cause in* asserting the supremacy, did at the time, as they have since, strenuously reason, not only from the Old and New Testament, and the Practice of the Primitive Church †, but particularly from the consideration, that, from *time immemorial*, the kings of England had exercised authority in ecclesiastical affairs; that is, they argued from ancient usage, which is the same as Common Law ‡; and if our Universities are rightly viewed as Royal Corporations, the reasonings of those writers will ap-

nally derived from them;” in short, that there is “no complete lawful power, but by consent of men.”

These Elements and Principles, however, do not so well hang together in his application of them in some other of his Books of Ecclesiastical Polity, though much better than those of Bishop Warburton on the same subject: but these excellent ideas fully possessed Hooker’s mind, and, therefore, knowing, that what concerns a nation, should have a nation’s consent, he says, Book the 8th, in reference to the National Church and the Supremacy, “That our laws made concerning religion, do take, originally, their essence from the power of the whole Realm, and Church of England.”

* Bishop Fox (in the time of Hen. VIII.) de Distinctione inter Regalem et Pontificalem Jurisdictionem:—Hooker, in a later period, vindicated Queen Elizabeth’s supremacy, in part, on the same principles. Book the 8th.

† Bishop Burnet’s Hist. of the Reformation, Book the 1st, on the King’s Supremacy, and Sir William Twisden’s Examination of the Jurisdiction of the Kings of England, together with Dr. (afterward Abp.) Wake’s Authority of Christian Princes over their Ecclesiastical Synods Asserted, ch. 4.

‡ Hence, in that ancient work, entitled, *La Somme appelle Miroir des Justices*, “*Rules de droit, anciennes Usages, saints Usages accordant a la Rule, and Common Droit*,” are synonymous expressions.

ply here. For the Crown, on these principles, had the power and the right, at first, to give them, as Corporations, Charters; and if so, on a proper occasion, to grant new ones, to cancel ancient Statutes, and to direct others to be made more congenial to modern manners, and any new order of things; though, in admitting this, we may not be able to approve and justify all that was done by our princes; all the works of man reminding us of his fallibility and imperfection, and rarely allowing of unmixed praise—nor is it called for or necessary here; for, while the work here alluded to was proceeding in the principles of the Common Law, another great machine was set in motion, which seemed to work the same way, and, though with more dispatch, to produce similar effects. This was the Civil Law. It worked the same way, and produced similar effects, though its principles and maxims are somewhat different, and sometimes opposed to each other.

2. The Civil Law differs from the Common, as in other respects, so especially, in two particulars; it knows neither a Jury*, nor a Parliament †; and, as a consequence, is too favourable to arbitrary power.

The Civil † Law having made its way into England about

* Fortescue de Laudibus Li. Angliae, per Leges Civiles, Testium Depositione probari debet, in quâ duo Testes idonei sunt. Cap. 20, 21, 22.

† Sed non sic Anglie statuta oriri possunt, dum nedium Principis voluntate, sed et totius Regni assensu ipsi conduntur. Ibid. ch. 18.

‡ The exact nature and denomination of the law in our Universities have been made the subject of some dispute, particularly in that warm controversy at Cambridge in 1750, 1751, and 1752, “concerning the right of appeal from the Vice-Chancellor to the Senate: one writer against the appeal, (Dr. Chapman, Master of Magdalen College) maintaining, in the course of his argument, that the University-Courts were directed purely by the Civil Law, to the entire exclusion of the Canon: (an Inquiry into the Right of Appeal from the Chancellor or Vice-Chancellor, &c. in Matters of Discipline, 1751) another (Mr. afterwards Bishop, Hurd), that the law was of a mixed quality, Ecclesiastico-Civil: See the Opinion of an eminent Lawyer, (Mr. Attorney-General Yorke, afterwards Lord Chancellor Hardwicks) concerning

DISSERTATION.

the time of King Stephen, became much of a study, and easily found a place in our University-Courts.

the Right of Appeal from the Vice-Chancellor of Cambridge to the Senate. By a Fellow of a College. 1752. It was sufficient to characterize it in the text by the simple term, Civil, for the present, that being acknowledged, and acted upon in Q. Elizabeth's Statutes, though I incline to the opinion of the *Eminent Lawyer*, and for the following, as well as other, reasons.

If our Universities were not in those early times *spiritual Corporations*, they were at least usually reckoned in *ordine ad Spiritualia*; and though the members were not all spiritual men, the Chancellor (then called Rector) always was, and the officers known in his courts were brought over from the Ecclesiastical and Civil Courts. The Rescript of Bishop Montecute relates to spiritual crimes, as well as to such as were merely academical; and in the Bishop of Ely's Rescript respecting Cambridge, and of the Bishop of Lincoln's, respecting Oxford, express mention is made of *spiritual jurisdiction*. In the *Composition*, 1219, between the Chancellor and Archdeacon of Oxford, the Chancellor is allowed to have *omnimodam Jurisdictionem, &c.* even *plenam Jurisdictionem Archidiaconalem, &c.* and Pope Sixtus the IVth, as other popes had done before (particularly in the *Processus Barnwellensis*) A. 1479, in his Bull of Confirmation of Privileges expressly notices *omnem Jurisdictionem etiam Scholasticam et spiritualem*. To this notion also was favourable the provision made for the study of Canon as well as of Civil Law at Oxford by Edw. II. *Ayliffe's Hist. of Oxford*, Vol. II. App. 35.

The University-Courts then savoured of the ecclesiastical, both in their language and practice. They had probate of wills; the Vice-Chancellor could, for proper cause, suspend from degrees; and even excommunicate: and to this day, at the end of every term he gives *absolution*. Dr. Chapman, who, on the subject of appeals, wrote two pamphlets, has, in one, instanced a Chancellor, who excommunicated, though he had before denied ecclesiastical censures to be of his jurisdiction. The *Processus Barnwellensis* grants the power of excommunication in full form. By letters patent of Rich. II. it appears, under the Great Seal, that the Chancellor was authorized to give *Significavits* to the Chancery of his Excommunications, as Bishops did; and the *writ de Excommunicato* was accordingly issued. Edw. I. excommunicated the Bailiffs of Cambridge for infringing the Privileges of the University.

It does not, however, follow, that our Universities are now ecclesiastical Corporations at all, though much of ancient language may still remain, when an ancient practice and constitution have undergone a change. It is the judgment of a great legal authority, (*General View of Decisions*, by Lord Mansfield, in Civil Causes: by W. D. Evans, Esq. Vol. I. p. 159) that whatever might be the notion of former times, "it is most certain now that Universities are lay Corporations," to which Judge Blackstone adds,

It has been shewn in our History of Cambridge, how that University, by various grants from the Crown, were freed from the courts of Common-Law*; and how, by a decree of Hugh de Belsham, Bishop of Ely, by a Rescript of Simon de Montacute, Bishop of Ely, and various other instruments and Popish Bulls, it was much delivered from ecclesiastical courts. These latter Bulls were all confirmed and finally settled by Pope Martin, in that famous instrument called *Processus Barnwellensis*, when the jurisdiction of the Chancellor was finally passed, A. D. 1420. Similar proceedings had taken place in the University of Oxford, in civil and ecclesiastical matters, the University having been relieved from certain powers of the Bishop of Lincoln, in whose diocese Oxford then lay. The Universities therefore had courts of their own, which were courts of record, the proceedings in which were regulated by the maxims of the Civil Law†. In ordinary crimes, relating to

" though they are sometimes totally composed of ecclesiastical persons." In like manner, though, in our Colleges, founded before the Reformation, there remain Statutes which were never abolished, in which masses are appointed for the souls of Founders, and other Popish language is introduced, yet these Colleges are all now Protestant. Hence, as the Canon and Civil Law had been in the same course of study, and the *Legis Utriusq. Doctor* formed one degree, so there seems formerly to have been some intermixture of them in our courts. It was Harry the Eighth, as we have seen, who abolished the study of the Canon Law in the Universities, but at the same time established Lectures for the Civil. And the power, by which a Vice-Chancellor, at the end of every term, still gives *absolution*, is now derived from the Crown, the Supreme Head of all Corporations.

* The University of Paris possessed similar Privileges: "Philippe-Auguste consideroit beaucoup cette compagnie, puisq'il accordoit à tous les membres, qui la composoient l'exemption de la justice seculiere dans les causes criminelles, et obligeoit le prévôt et tous les Bourgeois de Paris de jurer l'observation du nouveau Privilege. Crevier. Lord Mansfield "believed (Decisions, &c. p. 165) all the Universities in the world were so constituted."—None of the American are so. The Scottish have no separate jurisdiction, no peculiar privileges. The Town Council even appoint its Professors. The literary Institutions of Lausanne, the Schools, Colleges, and Academy, are under the Professors and citizens, conjointly. *Essay Statist. sur la Canton de Vaud.*

† It deserves to be observed, that the University of Paris, which so

DISSERTATION.

academical discipline, and pleas between party and party, where either was a member of the University, or the servant of one, the proceedings were not to be according to the rules and forms of the Common Law; and crimes of a higher nature, felony, murder, and the like, might be transferred to the court of the High Steward, by whom, with his proper officers and jurors, half being gownsmen and half townsmen, they might be tried by the laws of the land, and the customs of the University, that is, by certain rules of the Civil Law, our University-Courts having been accustomed to the Civil-Law process long before the Reformation.

With respect, however, to the Crown, the more immediate subject of these remarks, it does not appear that by virtue of the Roman Civil Law it acquired any new prerogatives, for as from the earliest Saxon times our princes sat in ecclesiastical courts, and took the precedence*, so, as already has been shewn in our History of Cambridge, and in

strongly resembled those of England in their general course of studies and academical discipline, yet preserved a striking difference with respect to the Civil Law: Le Droit Civil non seulement y étoit peu cultive, mais lorsq' il voulut s'y introduire, l'entrée lui en fut interdite par une bulle expresse d'Honorius III., et cette défense a subsisté jusq. en 1679; en sorte que si on l'enseignoit à Paris, ce n'étoit, si je l'ose dire, que fertivement, et en fraude, et parce que son utilité prévaloit contre la disposition des Loix. *Origines de l'Université de Paris, à la fin de l'Histoire*, Tom. VII. p. 104. Mons. Crevier, though a liberal and learned man, was, probably, too good a Catholic to assign the true reason for this neglect of the Civil Law in the University of Paris. The Popes were, in short, too quick-sighted and alive to their own interests, not to perceive that the absolute authority of the Civil Magistrate, countenanced by the Civil Law, militated against their own absolute ecclesiastical claims. For this reason, it was, that the Popes were ever solicitous to have the Decretals (and, in part, they succeeded) studied in our Universities. *Priv. Cam.* p. 32.

* This is clear, as well from what has just been hinted, as from the Titles and Prefaces to several of the most ancient constitutions of our Anglo-Saxon laws, and from several of the laws themselves; in Bishop Wilkins' *L. Anglo-Saxonæ, Ecclesiastice et Civiles*.

DISSERTATION.

447

these volumes of Privileges, they were the supreme head of our academical body. But, if they acquired no new prerogatives, they were taught to speak with a higher tone, and to hold a tighter rein. Queen Elizabeth's statutes, we may see, begin in the most authoritative, imperial style, in imitation evidently of the Proœmium of Justinian's *Institutes**. But I have sufficiently enlarged on this subject in the History of Cambridge.

It may, perhaps, be thought by some, that in our HISTORY an undue stress has been laid on the Statutes of the University not being confirmed by an Act of Parliament; so no particular stress is laid on it here. For, whether the charter of the same Queen being confirmed by the Parliament, the Statutes, with all other of her public instruments, relating to the University, were, as Serjeant Millar expresses it, "considered as being confirmed in the gross," or, that the broad seal annexed to them was supposed to be tantamount to a ratification by Parliament, or, that they were to be received as the legal declarations of the head and supreme visitor of a literary corporation, or, that it was advised by the great lawyers of that period as more according to the forms and spirit of the Imperial Roman Law, and as even authorized by an Act of Parliament—whatever might be the reason, all intended to be insisted on here, is, that Elizabeth's statutes are founded on the principles of the Civil Law, the Queen acting, in giving them, propriâ regali auctoritate. This is, probably, the ground of the distinction: For the right in both cases would probably be defended by some as standing on the same ground. And here, in passing, we may conceive on what *principles* the Tudor and Stuart families acted in making so free with the laws and

* "Mandatum necessitatem facit"—"propriâ Regali Auctoritate." PROœMIUM ad STAT. ELIZABETHÆ.—"Mandamus Specialiter," et ipsi "nostra Auctoritate." PROœMIUM ad JUSTINIANS INSTITUTIONES. See Hist. of Camb. Vol. I. ch. 5.

DISSERTATION.

liberties of the University, as they are now pretty generally understood to have done. For something more than mere *pretences* they had. They were all, we may be sure, instructed in the leading principles of the Civil Law, the prevailing study of those times. Their defenders maintained, that the prince, who may of his own grace give laws, may repeal or dispense with oaths, and, that the same power that confers a privilege may take it away *. Hence it was, no doubt, that (although occasional interferences occurred in the private matters of Colleges, before the Reformation) in the exercise of such authorities these princes set no bounds. From the Histories both of Oxford and Cambridge, innumerable instances might be produced, whereby, though our princes acted contrary to the acknowledged maxims of the Common Law, their advocates confidently defended them on the principles of the Civil; as in cases of cancelling oaths and obligations, of appeals, of arbitrary decisions, of appointing to offices, of voiding elections, and other matters of what was supposed to concern private property, in which the plaintiff, in a Common Law court†,

* The King's Visitatorial Power asserted, &c. in the Visitation of Mag. College, by Dr. Johnson, chap. 3. *Cujus est condere, ejus est destruere*, is a maxim of the Civil Law, as quoted by the above writer, p. 135.

† It must not be supposed that I am undertaking to decry the peculiar excellencies of the Civil Law, which are proclaimed in the praises and practice of almost all Europe, by whom it was admitted as a kind of *Jus Gentium*: its admirers are rather lest in full possession of Gravina's testimony in its favour: *Quænam est autem Ars, quænam facultas, cui tanta eruditio sit implicata, quantam complectitur jurisprudentia civilis, ex qua nativa rerum singularum vocabula, et arcana Latinitatis, et selectiora dicendi genera ducuntur, et recondita notitia vetustatis eruitur, et Scientia temporum atq. factorum, non communis illa quidem et vulgata, sed sanctior atq. selectior, ita ut unius jurisprudentiae studium Græcam atq. Romanam eruditionem trahat universam.* *Gravinae Origines Juris Civilis*, as quoted by Dr. Irving, in *Observations on the Study of the Civil Law*. Our learned Thomas Baker, who, in his Character of Complainant on the Insufficiency of all Learning, ch. xiii. finds sufficient fault with the original compilers, the glossers, commentators, and critics of the Roman Civil Law; yet admits

would have had just cause to complain of what is called, the **Exitum Placiti**; but they presumed that on the principles of the Justinian Code, the Roman Civil Law, *Initium et finis legum eruditionis a voce principali procedere**: but methinks they triumphed too hastily: for, here it will be recollect'd, that a distinction is to be made between a state of things, in which a prince acts as head and public reformer, in a critical period, of all bodies politic, (as Harry the VIIIth, Edw. VI. Queens Mary and Elizabeth, are understood severally to have done), and one that is settled, and under particular regulations, for ascertaining rights, and securing person and property: but their advocates made no such distinctions; they maintained, that all alike was subject to the will and pleasure of the sovereign, and that, in fact, his dispensing with law, was law. The case then of the Vice-President and Fellows of Magdalen, though a very gross exercise of the civil prerogative, canuot be conceived to have been a solitary one; examples of the royal proceedings in inferior cases and less magnitude were directed by the same

its general excellence; and, as he well expresses it, "the Roman laws have lived longer, and spread wider than their arms ever did, and the conquests of their wisdom have been greater than those of their power." Its particular excellence (unnoticed by Baker) was its service against the encroachments of the decretals, those ecclesiastical laws of the Roman Pontiffs, very injurious to the rights of princes: so that when they opposed the Civil Law, as they sometimes did, it was, strictly speaking, the Canon, not the Civil Law, (which were much intermingled) that they meant to discourage; though at the same time we must not forget that the Civil Law itself was much at variance with the Common Law, that bulwark of the English liberties; and, hence the famous protestation of the English Lords, on a proposal to admit the Civil Law in a case even favourable to their particular interests and passions, "Omnes Comites et Barones una voce responderunt, quod NOLUMUS *Leges Angliae mutari.*"

* *Proemium ad Justiniani Institutiones.*: So again in the PANDECTS; *Quod Principi placuit legis habet vigorem; utpote cum Lege Regia quæ dicitur Imperio ejus lata est, populus ei et in eum omne suum Imperium et Potestatem conferat.*

DISSERTATION.

rule, and supported from the testimony of eminent civilians, and on the acknowledged temper and practice of the Civil Law.

Bona fides tantundem possidenti præstat, quantum veritas, quoties *lex impedimento non est*, is a rule of Ulpian's * for the Civil Law; of which a striking illustration was made in a decree lately passed at Doctors Commons. It concerns our Universities as under the dispensing power of Q. Elizabeth.

The case is as follows: the Provost and Fellows of King's College, Cambridge, made an appeal to the Bishop of Lincoln, their visitor, against the Provost and Fellows of Eton College, that they had been in the habit of holding ecclesiastical preferment contrary to the statutes of their founder, in violation of oaths taken by them, and to the injury of King's College. *The Appeal of King's College, &c.* was lately published, and also the Report of the Proceedings, by Mr. Williams. The case was argued with much ingenuity by learned civilians and common lawyers on both sides, as well in reference to the original intention and statutes of the royal founder, as to a dispensation of Queen Elizabeth, authorizing the Fellows of Eton to hold preferments with fellowships, and further, on the principles both of the civil and common law. The learned visitor, assisted by learned assessors, Sir William Grant, Master of the Rolls, and Sir John Scot, pronounced against the appeal, and declared that the Fellows of Eton College were enabled to hold *one* benefice by virtue of the dispensation, but further enjoined all future Fellows of Eton College not to exceed the indulgence granted by the dispensing statute of Elizabeth.

On the decree itself, as right or wrong, I venture to give no opinion, and shall make but little of remark on the case:

* *De Regulis Juris Antiqui. Ex Digestis: sub finem Justiniani Institut. Juris Civilis: Edit. Ant. Cant. Par. 1560.*

—I shall only observe, that in the Eton statutes there is not only one by the founder forbidding Fellows to hold preferments with their fellowships, but another, declaring it unlawful for any of his heirs, *the kings of England*, or the *Bishop of Lincoln*, to alter or dispense with them. Yet we see that even the statutes of *a Royal Founder* (Hen. VI.) were superseded by a dispensation of Elizabeth's, and the Fellows of Eton, by virtue of that, were enabled to hold one living. The decree then must at least have proceeded on these principles, (and perhaps presumed some others) that Henry VI. though even a *king*, was to be considered merely as a private founder; that the mandate or dispensation of Elizabeth was at the time contemplated as the act of the supreme head, and her will, as law, paramount to by-laws, and removing all impediment, in the strict sense of the Civil Law;

Quod Regi placuit Legis habet Vigorem.

One observation, however, I shall take leave to extract from *Remarks Critical and Explanatory of Mr. Williams's Report of the Proceedings of the said Case*; “that as a legal case it cannot be of any use, as the dispensing power was not entered into with sufficient depth of research by the Council, and the Assessors, possibly as sitting in a court of no authority, but certainly, for reasons best known to themselves, declined the explanation of their sentiments.” But from the decree of the visitor we may infer the opinion of the assessors, which probably was, that though the principle of a dispensing power may not be relished now, yet that in the time of Elizabeth it was considered legal, that is, consonant to the rules of the civil law, the law which still, in conformity with the statutes both of Edward the Sixth and of Queen Elizabeth, governs the courts of our Universities.

3. With regard to ecclesiastical power.—Though the

DISSERTATION.

Universities are now lay corporations, yet the Crown claimed over them ecclesiastical authority. Passing what relation it bore to these bodies, in this respect, in more early times, it is well known that when Hen. VIII. stripped the Pope of his spiritual prerogatives in this country, he invested himself with them. By virtue of the Act of Supremacy, he dissolved religious houses, introduced six articles, “oppressing,” as Hume expresses it, “to both (religious) parties, Catholics and Protestants, called *the bloody bill*; empowered commissioners, Lord Cromwell and others, most of them laymen, to reform Universities, and to give statutes to them, as he had to Cardinal Wolsey before, though the fall of the latter prevented the completion.” Wood’s Hist. et Ant. Ox. L. 1, p. 247, &c. and burnt two of their greatest ornaments, Sir Thomas More, an Oxford man, and Bishop Fisher, who was almost the founder of St. John’s, Cambridge, for not acknowledging his supremacy:—both Universities there had surrendered to Hen. VIII. all their charters and bulls, and the latter were never returned; so he gave them, with their statutes, a new grant of Privileges, and inflicted ecclesiastical punishment, as well as secular, annulling all bulls and other instruments, which had antecedently been given by Popes; for though he found that the triple crown, as one neatly expresses it, “could not solder well with the English,” yet he thought that ecclesiastical supremacy, a jewel taken from that triple crown, would adorn and dignify his own: and Hooker well knew how far its influence extended; for it is in the book, where he speaks of the authority of making laws, and in reference to the supremacy, when he says, “the civil magistracy hath the power of making laws, yea laws concerning the most spiritual affairs of the church*.”

* Eccles. Pol. B. 8. A very curious paper on this subject, together with two Letters to the University of Oxford, may be seen among the Records at

In virtue of the same power, the Supremacy, Edw. VI. under guidance of the Protector, Duke of Somerset, and his Councils, ordered 42 articles of faith to be drawn up for the clergy, passed two* acts for the uniformity of the Common Prayer, and the administration of the Sacra-
ments †, and another for abstinence from flesh‡ in Lent; he punished for religious opinions, passed an act for the marriage of priests, and gave various other directions for the government of the church: and with respect to Universities, the Duke of Somerset, under his authority, sent commissioners to Oxford; he passed an act, by which as he aimed to reform Chancery Collegiate, so also “to convert to good and godly uses, our Universities;” and as he appointed 32 persons § to make ecclesiastical laws for the government of the church, so did he others, to compose statutes || for the University, agreeable to them; both works alike appertaining, as it was thought, to the province of the supreme magistrate, as head of the church.

Though the supremacy of Mary ¶ was reclaimed by the Pope under Mary, and by her willingly restored, and the act itself repealed, and never afterwards restored, yet she retained enough of the power to dispossess the Protestant bishops of their ecclesiastical preferments, and to persecute most bitterly for religious opinions. In our Universities she empowered Cardinal Pole, who was at the same time legate from the Pope and her Metropolitical Archbishop of Canterbury, to appear at Cambridge, in order to promote an-

the end of Vol. I. of Burnet's History of the Reformation, Vol. I. They were written by Henry himself.

* A. 2^o et 3^o, Sect. 1. Edw. VI. and A. 5^o and 6^o Sect. I. Edw. VI.

† 5^o et 6^o. Sect. 12. Edw. VI.

‡ A. 2^o and 3^o, Sect. 19. Edw. VI.

§ 1^o. Edw. VI.

|| They may be seen in the Statuta Antiqua Cantab.

¶ See an ample Letter on this subject, among the Records in Burnet's Hist. of the Reformation.

DISSERTATION.

other reformation, to give new statutes*, and, to borrow the idle conceit of a divine of that period, “to open the Pole † of the heavens” there, as well as upon the church. She and Pole thought they had as great a right to consider their new arrangements in the University a Reformation, as Hen. VIII. and Edw. VI. had theirs; and, though Queen Elizabeth reformed them back again to Protestantism, yet the more sanguine Catholics were fully persuaded, that their Reformation would again have its turn ‡.

Queen Elizabeth was a princess of superior abilities, of great strength of character in herself, and much discernment in the choice of her ministry. Her ruling passion was love of power; “and in her family, in her court, and in her kingdom, she remained equally mistress.” Hume.—In spiritual and ecclesiastical matters, she exercised as full legislation and jurisdiction as Hen. VIII. She melted down the 42 articles of Edward into 39; ordered the re-establishment, with some alterations, of the Liturgy; deposed bishops, created new ecclesiastical courts, and guarded religious opinions with penal sanctions, at her pleasure.

With respect to many private colleges, it might seem unnecessary to observe, that she superseded statutes, which she

* They are not printed in our *Privileges*, but may be found in the Stat. Ant. Cantab.

† Alludes to a most idle pun of the Archdeacon of Canterbury, where Cardinal Pole slept the first night, on his road from Dover, when he arrived in England;—in a Latin oration, the Dean thus addressed him: “Tu es Polus, qui aperis nobis *Polum Calorum*.” He repeated it in a funeral oration on Pole. O! salutarem illum Diem, quo Polus noster non dubito quin a cœlesti illo Polo missus nos Deo et Ecclesie reddidit. See Ludovico Beccatelli’s Life of Cardinal Pole, by Pye, p. 95.

‡ The curious MS. (penes me, and to which I have before referred) written in the time of Elizabeth, is distinctly entitled, “A Memorial of the Reformation in England.” There is a long chapter on the Reformation of the Universities, by a Council of the Reformation to be ordained by the authority of the Prince and Parliament with the consent of the See Apostolic.

never repealed, and which never have been repealed, and dispensed with oaths, which were understood to be sacred and obligatory. She appointed Cecil to visit Oxford. The privileges which she conferred on all the colleges, (the University at large) and the whole body of her statutes for Cambridge University, appear in these volumes; and it would be endless to dwell on particulars: *Si qualis fuerit, velis scire, circumspice.*

It may be said, then, that this princess acted under a three-fold capacity. The four first General Councils had settled what opinions were heretical; and heresy was punishable at *common law*: the University-Courts she settled, as Edw. VI.'s Council had also done, on the principles of the civil law*; and she exercised ecclesiastical authority by virtue of her headship or governorship of the church: for though the old Act of Supremacy, as passed under Hen. VIII. A. 26, was not restored, a new act, with the same powers, was passed by Elizabeth, under which she acted with great resolution and firmness.

Thus have we briefly considered the character of the King or Queen of England, in reference to common, civil, and ecclesiastical law; and, I apprehend, it is in this threefold relation, in which the supreme power stands in its visitatorial capacity towards the Universities.

To some it may appear, perhaps, that in the preceding statement of certain royal measures pursued, sufficient weight has not been laid on the several acts of Parliament, by which, it will be insisted, they were directed, and by which, it may be urged, they may be justified; and, acknowledge I also must, that for several of those measures acts of Parliament may be produced. Nay, even for that

* *Cancellarius potestatem habebit ad omnes omnium Scholasticorum, atq. etiam eorum famulorum controversias, summarie, et sine ulla juris solennitate, praeter illam, quam nos prescribemus secundum jus civile, et eorum Privilegia, &c. De Cancellarii Officio. Stat. Eliz. cap. 42.*

DISSERTATION.

proceeding of Elizabeth's, of the legality and authority of which I have elsewhere expressed a doubt, I confess I find part of a clause in the act, A. 1^{mo} Sect. 18, running thus— “And that your highness, your heirs, and successors, kings or queens of this realm, shall have full power and authority, by virtue of this act, by letters patent under *the Great Seal of England*, to assign, name, and authorize, when and as often as your highness, your heirs, or successors, shall think meet and convenient, &c. to exercise, use, occupy, and execute, under your highness, &c. all manner of jurisdictions, &c. concerning any spiritual and ecclesiastical :” &c. and before any degrees in Universities were conferred, the candidate was to take this oath of supremacy. It may then plausibly enough be urged, that all such royal measures were defensible, and their sanctions binding, a national parliamentary act rendering them constitutional and legal.

And, it is most true, that a national Parliament, that is, a Parliament properly representing the three Estates of the realm, have a right to make laws. But it will, on the other hand, be asked by some, Were these Parliaments so constituted? and, did they speak the sense of the nation? May they not rather urge, that these Parliaments acted and spake in strict conformity to the will and wishes of the reigning Prince, however capricious those wishes, and however despotic that will might be?

Hume shall answer these questions. Of two acts of Hen. VIIIth's Parliament he remarks: “The Parliament having thus resigned (by the *Six Articles Act*) all their religious liberties, proceeded to an entire surrender of their civil; and without scruple, by one act, a total subversion of the English Constitution. They gave to the King's Proclamation the same force as to a Statute enacted by Parliament; and to render the matter worse, if possible, they framed this law as if it were only declaratory, and were intended to explain the natural extent of the royal authority.” And again: “There were ten Parliaments summoned by

DISSERTATION.

457

Hen. VIII. and twenty-three sessions held. The whole time in which these Parliaments sat during this long reign exceeded not three years and a half. It amounted not to a twelvemonth during the first 20 years—All the king's caprices were indeed blindly complied with, and no regard was paid to the safety or liberty of the subject." So in the reign of Edw. VI. "A repeal, indeed," he observes, "of that destructive law was made, which rendered the King's Proclamation of equal force with a Statute, but they still abided by the principle." And again: "A session of Parliament was held (Nov. 4th), and, as it was the usual maxim of that assembly to acquiesce in every administration which was established, the Council dreaded no opposition from that quarter."

Elizabeth's ideas of the extent and plenitude of the royal power was not less exalted than those of her predecessors; and she steered the course of her administration by them. She managed her parliaments at her own discretion. Hume, in speaking of the two most memorable bills passed in her reign, observes, "This point being gained, a bill was next introduced, annexing the supremacy to the Crown; and, though the Queen was there denominated *Governess*, not *Head*, of the Church, it conveyed the same extensive power, which, under the latter title, had been exercised by her father and brother: all the bishops strenuously opposed it.—By this act, the Crown, without the concurrence either of the Parliament, or even of the Convocation, was vested with the whole spiritual power."

Speaking of the other bill, which was of a civil nature, he remarks, "the Commons made a sacrifice more difficult to obtain than any articles of Faith.—*The House in no instance departed from the most respectful deference and complaisance to the Queen:*" Fine spun words, with a coarse, broad meaning!

DISSERTATION.

Bishop Hurd, who has ably pointed out*, how Hume has confounded the *administration of Government* with the *English Constitution*, to serve as an apology for the tyranny of the Stuarts, has, in the person of Mr. Addison, given a summary of the character and conduct of Elizabeth. He introduces him remarking, and asking: “ Her government appears to me, in many instances, oppressive, and highly prejudicial to the ancient rights and privileges of her people. For what other construction can we make of her frequent interpositions to restrain the counsels of their representatives in parliament; threatening some, imprisoning others, and silencing all, with the thunder of her prerogative? Or, when she had suffered their counsels to ripen into bills, what shall we say of her high and mighty rejections of them, and that not in single and extraordinary cases, but in matters of ordinary course, and by dozens † ?”

The same writer, in conclusion, rounds the splendour of this princess’s character with the following encomium of her by Lord Chancellor Bacon; *Illud cogitandum censeo, in quali populo imperium tenuerit: si enim in Palmyrenis, aut Asiâ imbelli et molli imperium sortitasset, minus mirandum fuisset; verum in Angliâ, natione ferocissimâ et bellicosissimâ, omnia Ex Nutu Fæminæ moveri et cohíberi potuisse, summam merito admirationem habet ‡.* Now I have not been aiming to detract any thing from the splendours of the Queen, nor would I from the admiration of Lord Bacon; but to point out the influence and efficacy of that princess’s self-will, by which she so controlled and governed her parliaments.

There are indeed a few instances, in which parliaments

* Postscript to Hurd’s Moral and Political Dialogues, 1st edit. 1759. The 2d edit. of 1760 is without the Postscript.

† Mor. and Polit. Dialogues. Dialogue the 4th—of the Golden Reign of Queen Elizabeth, p. 165.

‡ In his Tract, *In Felicem memoriam Elizabethæ.*

were not so compliant with the royal will; this was particularly the case in Mary's reign: but even then an expedient was always ready to their hand. For, to the power of control over parliaments must be added another, (one, which as occasion has required, has ever rendered most important services to the Crown) which the Tudors well knew how and when to use; which was, if they could not readily manage a parliament, they could immediately dissolve it; thus killing, where they could not command.

I have ranged, perhaps, discursively on this matter, yet not altogether without reason, as, I hope, will hereafter appear.

To a state of things, in sundry particulars, settled by the Princes of the Tudor family, succeeded James I. of the Stuarts. Being supreme head of the church, he called himself "the great Schoolmaster of his Realm," and his admirers called him Solomon, of whom (Solomon) it is recorded, "that he appointed the priests their changes in the service of God, and that they departed not from his service in any matters*." James, accordingly, nominated bishops, delivered some rules to be observed in translating the Scriptures; prescribed what points of doctrine were not to be preached; and punished erroneous teachers: he also presided, and moderated, in the Hampton Court † Conference, and ordered Canons for the direction of the clergy, which, in like manner as Edw. VI.'s, were never confirmed by Parliament. In our Universities, he stretched this branch of the prerogative, the Supremacy, to a point, which it had scarcely reached under any other of our princes. This prince imposed on those who take degrees at our Universities a sub-

* 1 Chron. xxviii. 21. 2 Chron. viii. 14, 15.

† This famous Conference between the Episcopalians and Puritans, held at Hampton Court in 1602, was engaged in the points in dispute between the two parties. Two accounts of it were published at the time, one by Bishop Barlow, the other by Mr. Calderwood: the latter is considered the most correct account, it having been revised by his Majesty himself.

DISSERTATION.

scription to what he quaintly called, his three *darling* articles. For, though there had been oaths of office, and obedience, of allegiance and supremacy, and of compliance with the use of the Liturgy before, and though the clergy had been called to subscribe to articles of their religious belief, in their clerical capacities, yet for degrees in our Universities, which are indeed civil distinctions, before his time, no such very rigid subscription had been required. For his Majesty's three *darling* articles not only included an oath of submission to his civil and ecclesiastical supremacy, but of a belief in all the doctrinal articles and ecclesiastical discipline of the Church of England*.

The assumptions of the Tudor and Stuart race of princes, and the complaisance of Parliaments, serious evils in themselves at the time, became no less serious in their consequences. The former having persuaded themselves, that they might by their own authority alter the laws†, that parliaments were created for them, and not for the people, employed them to their own purposes, and turned them into instruments, not of security and protection of the people, but of their oppression. While the latter, taught the doctrines of servility, were prevailed on to yield to every royal demand, to a supposed prerogative; and made a surrender of the people's most sacred liberties: hence parliaments became little more than nominal institutions, mere registers of the royal pleasure: till men, being taught by their oppressions to reason, and there being some men of principle and conscience in parliament, they found it necessary to be less complaisant: then Cha. I. instead of calling frequent‡

* His three Darling Articles are given in our Privileges, &c.

† James the First, roundly and regally enough, asserts, that "general laws, made publicly in Parliament, may upon known respects to the King, by his authority, be mitigated, and suspended, upon causes known only to him." *Jus Liberæ Monarchie. In Jacobi Op.*

‡ The origin and frequency of parliaments is a subject of too much lit-

parliaments, and suffering them to be judges of what was right, and correctors of what was wrong (agreeably to his coronation* oath), was determined—to check all reasonings, and silence all consciences—on having no parliaments at all†: for ten years he ruled without calling one parliament. Hence sprang our terrible civil wars, in the event of which Charles I. lost his life, as, in following principles much allied to his father's, James the II^d did his crown.

The theory, then, by which the Stuart family regulated their practice towards our Universities, after its settlement under Elizabeth, was one composed of a semblance of some good principles of our Common Law, marred and disfigured by those of the Civil, and enforced by the sanction of a supreme ecclesiastical authority. By this, James I. ‡, as we have seen, *on merely signifying his pleasure*, imposed his Articles, which concerned every graduating member of the University; and debarring the Fellows of King's

gation to be entered on here; but that they were very frequent at the time in which many writers place their beginning, after Hen. III's time, see “Dugdale's Summons of the Nobility,” &c.

Even from what old Chancellor Fortescue speaks of parliaments in his time (Hen. VI.'s reign) it must follow, that they were called very frequently: *Et si statuta hæc, tantâ solennitate et prudentiâ edita, non esse contingent efficacie tantæ, quanto conditorum cupiebat intentio, concitò reformari ipsa possunt, at non sine communitatis et procerum Regni illius asseusu, quali ipsa primitus emanarunt.* De laudibus Li. Angliæ, ch. 18.

* *Et si quæ in illo Regno (Angliâ) dilatones in placitis minus accommodæ fuerint usitatæ, cum in ullo claudicaverint, in omnè parliamento poterunt reformari.—Ad quod faciendum, quoties equitas id poposcerit, singuli reges ibidem sacramento astringuntur solenniter præstito tempore receptionis diadematis sui.* Ibid.

† “*B*oth this time, all thoughts of ever having a parliament again were quite banished; so many oppressions had been set on foot, so many illegal actions done, that the only way to justify the mischiefs already done, was to do that one greater, To take away the means which were ordained to redress them, the lawful government of England by Parliaments.” Mey's *History of the Parliament of England.* B. I. Ch. 2

‡ *Liberæ Regia.* Dec. 3, 1616. Priv. of Cambridge,

DISSERTATION.

College * of the power to choose their provost, which they received from their founder, being bound to proceed in their mode of choosing according to oath, he assumed the right of nomination to himself. By this, Cha. I. authorized Archbishop Laud to make a visitation of Oxford, in his metropolitical character, as Archbishop †, rather than as Chancellor; and by this, he dispensed with the statutes of Emmanuel College, in opposition to the Master and Fellows, pleading the obligation of their oaths ‡. By this, Cha. II. in a Letter directed to the Master and Fellows of Trin. Col. Cambridge, appointed R. P. fellow, contrary to the wishes of the fellows, in whom the appointment lay, and pleading the regulations by which they were bound to act on oath: and by this, James II. as already has appeared, ejected Dr. Hough and the Fellows of Magdalen College, *by Proceedings before the Lords Commissioners for Ecclesiastical Affairs.*

The Revolution in 1688 introduced into the nation at large, as well as into our Universities, feelings more genuine, and principles that were deemed more liberal and constitutional, though not so liberal nor favourable to the liberties of the people, as some of its friends wished and expected it to have been. But a great advancement in the cause of civil and religious liberty was undoubtedly made; those assumptions of power so uniformly acted on by the Tudors

* The case is stated from Dr. Brady's MS. Account, as quoted by Dr. Johnston, in Appendix to the King's Visitat. Power asserted with respect to Oxford. The principal argument that James employed was, *that the King never dies, and that he was their founder, and would not part with his right of nomination.*

† "And, if we consider that the suppressing the Non-Conformists was the care of King Cha. I. and that Archbishop Laud was so bent to effect it, we are not to wonder, that his Majesty was determined *in favour of the visitation as Archbishop, rather than as Chancellor.*" Johnston's Visit. Power, &c. p. 190.

‡ Sub Init. Reg. Car. I. *Eccles. Academ.*—The particular Statutes alluded to of Emman. Statutes are *de Morâ Sociorum* and *de Residentia Sociorum.*

and Stuarts, and by James the Second so recently, were, both in general and in particular instances, declared to be illegal, and contrary to the laws and liberties of this kingdom; viz. in general, that of assuming and exercising a power of suspending laws, and the execution of them, without the consent of Parliament; and in particular, that of issuing, and causing to be issued, commissions under the Great Seal, for erecting a court for ecclesiastical causes; of violating the freedom of elections; and of prosecuting in the Court of King's Bench causes cognizable only in parliament. These, and similar violations on the known laws and statutes of the realm, were pronounced to be arbitrary and illegal; and James having abdicated, the crown was declared vacant, &c.

The Declaration of Rights, as this Act was called *, is enacted in the most general terms (with the exception of its opposition to Popery, necessary perhaps at the time for self-defence and public security), as presenting the true, ancient, and indubitable rights and liberties of the people of this kingdom. The former oaths of allegiance and supremacy were abrogated; and, instead of them, By all officers and ministers, who should serve their Majesties, two oaths were taken, one called *the Oath of Allegiance* to their present Majesties, the other *the Abjuration Oath*, renouncing the dethroning power and spiritual supremacy of the Pope, as then held by the Papists.

It may be observed, that, though the old act of supremacy was by this declaration abolished, there is no mention made of any headship or supremacy as being ecclesiastical, claimed by, or for, the King. The King, by education, perhaps, was not fond of the title, nor prepared to receive it, though, at the same time, all the titles, honours, and jurisdictions, formerly belonging to the Crown, are asserted for him; and it is also certain, that he must have executed in his regal office many of those acts, which were supposed to have been branches of the ecclesiastical power; and that

* 1 W. et M. St. 2, c. 2.

DISSERTATION.

the King is still by act of Parliament, in all causes, and over all persons, ecclesiastical, as well as civil, supreme.

Nor is notice taken either of the Clergy* or Dissenters, though the former do now, and did much then, favour it; and the latter have been friends to it from the beginning. Neither does it contain any mention of Universities, nor any other corporations; though in its last clause their privileges are secured to them: “ Provided, that no charter, or grant, or pardon, granted before the three and twentieth day of October, in the year of our Lord 1689, shall be any where impeached or invalidated by this Act.” And it is supposed that the case of the Vice-President and Fellows ejected from Magdalen College by James II. was under view in a clause of this act: and accordingly Dr. Hough, the ejected Vice-President, was made Bishop of Worcester by King William, and the ejected Fellows were restored.

The Parliament that passed this famous act has been called the Convention-Parliament.

* It should be considered, that the body of the established clergy had taken the oath of allegiance to James, which, though they afterwards abjured (and many of them no doubt most conscientiously) yet many, as conscientiously at least, abjided by, who were therefore called Nonjurors. The writings of the Protestant Clergy of those times heartily (as might be expected) favour the Revolution. See more particularly those of Bishop Burnet (through whom it was that Dr. Tillotson was made Archbishop of Canterbury) and Bishop Hoadley: and, of a later period, Bishop Hurd’s Moral and Political Dialogues. Dial. v. vi. Locke’s Treatises on the English Government may be said to be declaratory of the principles of the Revolution in 1688, and the Dissenters came into them, as was very natural, immediately and uniformly. I allude more particularly to what Locke says on the *Origin of kingly Government*, in his Treatises on Government. See Peircii Vindic. Nonconformistarum: and, in more modern times, Dr. Price’s and Dr. Kippis’s Sermons, before the Society for commemorating the glorious Revolution, contain, I believe, the views, in general, of the Dissenters. The Revolution in 1688 may, therefore, be considered as the cause of Protestantism against Popery at the time; how far it is suited to the wants of the present is a subject on which no opinion is given here; I have, however, ventured to give one in the 3d edit. of *Four Letters on the English Constitution*.

Any objections that may have been made, and by whatever party, to the competency of the persons that constituted this parliament, or to any of their subsequent measures, fall not within the scope of these observations. Suffice it now, that it's declared purport and genuine spirit are favourable to English liberty, in opposition to the arbitrary administration of the preceding reigns. Mr. Burke * has weakened his own argument on this subject by his blundering interpretation of the words "*submitting their heirs and posterities, for ever.*" He knew, or ought to have known, this is merely the accustomed mode of speech, in royal charters and acts of parliament, and means nothing more than that while such charters and acts of parliament remain unrepealed by any subsequent act, the preceding act is universally in force; though an act which may follow can, and does, immediately abrogate the act to which it is opposed, that went before. As to this declaration of rights, it has hitherto remained unrepealed, and therefore must be considered as declaratory of the leading principles of our constitution, and as abrogating any preceding acts repugnant to them.

The final visitatorial authority therefore over our English Universities having hitherto been exercised by the supreme executive magistrate, moving according to the direction of the common law of England, (with, it must be acknowledged, something of a glare thrown around it by the civil law of the Roman Emperors, and the ecclesiastical supremacy of the Roman Pontiff) readers must have observed, (and it is scarcely necessary to warn them of it here) that in these Dissertations the words King, Queen, his, or her Majesty, the Crown, the Supreme Power, and the like expressions, have hitherto been used indifferently, and as synonymous with the Authority of the Supreme executive Magistrate, who, as an English king, must act *cum assensu parlamenti*; so that, in short, this authority must be resolved, and

* In his book on the French Revolution.

DISSERTATION.

such is the language which, more particularly in these times, should be used, into, The Supreme authority of Parliament: I say more particularly in these times, because, to repeat Lord Mansfield's words, it is most certain now, that the corporations of the Universities are lay corporations, and therefore not naturally cognizable according to ecclesiastical regimen, now, however, they might be in Popish times: I say, in these times, in reference to the authority of Parliament, to what Judge Blackstone means by the omnipotence of Parliament, as laid down at the Revolution, in opposition to any illegal acts, and unintelligible claims *merely regal*: and I say in these times, because the civil law, as followed in any of our courts, rests solely, as it were, by a sort of grace, on the sanction of the common law, having no further force, than as it agrees with that, or is supported by acts of Parliament*; and, because the Canons (either Edw. VIth's or James I's) not having been sanctioned by Parliament, they have been thought not to be obligatory on the laity, and make no part of the Lex Terræ.

As a famous author, and a sincere Royalist, before the Revolution, has expressed this idea so clearly, we may sum the matter up in his words:—"The Parliament itself," says Mr. Prynne, "to speak properly, is the true real founder and establisher of both Universities, they being incorporated, and made capable to sue, purchase, and enjoy, all their Privileges and Lands, without controversy, only by an act of Parliament in the 13th year of Eliz. Rot. 36, the title whereof is only mentioned in the printed acts; therefore the Parliament, being the true founders of it, have best right to visit it by common law †."

* Blackstone's Commentaries, Introd. ch. 3.

† The University of Oxford printed "A Plea of Privileges," at the time, when the Parliament were about to appoint a visitation there. Mr. Prynne published, "The University of Oxford's Plea refuted; or, a full Answer to a late printed paper, entitled the Privileges of the University of Oxford in point of Visitation; a work already alluded to. Parliament had

Thus much for the relation which the Chief Magistrate, or rather the supreme legislatorial authority, the High Court

appointed a visitation of both Universities about the same time. Mr. Prynne was one of the visitors for Oxford; and a sincere royalist he most undoubtedly was (as appears from his famous SPEECH in Parliament (Parl. Hist. of England, Dec. 14th, 1648) "Touching the King's Answer to the Propositions of both Houses upon the whole Treaty, in opposition to the Army's Remonstrance." Yet he was a sincere Presbyterian too: and the *Solemn League and Covenant* was not the casket in which the inestimable jewel of religious liberty could be deposited, any more than James I's *three darling Articles*. Of neither one nor the other may we say—

"That was the casket of Heaven's choicest store.

Milton.

And a home-thrust, made by a certain writer, while defending the arbitrary measures of James II. at Oxford, will have as much force, when applied to the Presbyterian party engaged against the Prelatical, as to the Prelatical, when they engaged against the Puritans; "His Majesty (or some such words, for I quote from memory) has taken care that no such evils shall be inflicted on you, as you have inflicted on your opponents."

Mr. P. says, after Mr. A. Wood, that Oxford was a University at least 300 years before Alfred; which assertion, though a little nearer the truth than what has been said of Cambridge, is yet far enough from it, as not resting on sufficient evidence.

He says, "that no King of England before Hen. VIII. ever visited either University for aught that appears by ancient records." Yet, indeed, I must think, that Ric. II. visited Cambridge. Under him there appears to have been a General Review of the Powers, Defects, and Privileges, of the University; A. 1377. A. Imo Ric. II. as the readers of our Privileges may see, "Petitiones Cancellarii et Scholarium in Parliamento exhibitæ pro quibusdam Defectibus in Chartis privilegiorum suorum perficiendis, p. 21. The year after, the *Charta Amplissima*, confirming all former Charters and Privileges, may be seen, and various other commissions, petitions, &c. relating to the *Processus Barnwellensis*, the Chancellor's excommunications, and other matters, which intimately concerned the academical body; and this was all followed by a Parliament, summoned by the King at Cambridge, p. 26, "Literæ Regis de Summonitione apud Cantabrigiam, una cum Convocatione Cleri ibidem. A. R. 12. This seems, therefore, to have been a Royal Visitation. And, if I mistake not, Hen. III's visit to Cambridge was of the same character; for as that appears to have been a memorable period for settling the academical discipline, and government, so at the end of that reign is found, An Historiola de Adventu Regis

DISSERTATION.

of Parliament, bears to our English Universities, in their present state; and a right apprehension of this relation may

Hen. III. in Villam Cantabrig. et de quibusdam propugnaculis a se positi. Privileges, p. 8.

But to speak truly, it was not merely Hen. VIIIth's presence at Oxford which constituted a royal visitation. Edw. the VIth's *Breve Cimatorium* (A. 1549, Priv. Cantab. p. 47, 48) *Cancellario et procuratoribus transmissum quod compareant coram visitatoribus Regis*, constituted a royal visitation at Cambridge as much as the presence of Hen. VIII. accompanied with Wolsey, his commissioner, could at Oxford.

In reply to the "University of Oxford's Plea," that it was their privilege to be visited only by kings, Mr. P. shews that Chancellors, and Vice-Chancellors, and Archbishops, have made visitations. And there is evidence for this also in the Privileges of Cambridge. They visited in their local, or metropolitical capacities. But does this really affect the question of *supreme visitation*?

An Oxford writer, (who, if I mistake not, means to speak after Mr. Prynne) says, there was no visitation of our Universities by commission till the time of Hen. VIII. I doubt whether this is speaking quite correctly, no visitation, (and there had been several) having been without his permission at least, and two, as we shall presently see, had the royal and parliamentary sanction. By turning to p. 52 of the Privileges, we may see that besides the licences and commissions (heads of which are printed in that volume) there are, in the 3d volume of the Vice-Chancellor's copy of Hare, above 20 more commissions (which seem principally to concern the Chancellor and heads) that are not in the Register's copy: they are, as it is there (p. 52) expressed in the same form as this, *Commissio de Pace Conservanda in Villa et Suburiis Cant. salva jurisdictione Cancellarii Universitatis.* What they relate to, I cannot positively say, not having examined them; but it appears they run up to a very early period. With respect to those visitations made by Archbishop Arundel A. 20 Ric. II. and 13 Hen. IV. one was undertaken by the counsel and direction of the King; and with respect to the other, it was confirmed by Parliament, and therefore had the force of an act of Parliament. The patent, too, for the former has these words—*Salvis nobis et hæredibus nostris omnibus aliis quibus in Universitate praedicta nos et progenitores nostri uti consuevimus temporibus retroactis;* and the latter, the Archbishop's petition, "A le Roy supplie v're Chapleyn Th. A. de Cant. Qe Plese a vous Sr. par Assent de ses Espaels et Temp. et les coëns in ceste pr. Parl. de Grauntier, &c. and the Schedule subjoined, relate to exemptions, by virtue of Popes' Bulls, (particularly that of Boniface the 8th) which therefore that Parliament annulled; so that these matters were thenceforth to proceed regularly here, under the sanction of our own supreme legislative authority, as the Vice-

seem to render all further observations on the subject unnecessary. But let us proceed. Let us view this matter in

Chancellor's court itself could, by charter, take cognizance of certain causes, which in ordinary cases fell under the ecclesiastical jurisdiction of the Archbishop: which is the principle on which the Letter from the Vice-Chancellor to the Lords Commissioners for Ecclesiastical Affairs proceeds, Oct. 4, 1562, as well as, *Literæ Academiæ ad Archiepiscopum aliosq. judices in causis Ecclesiasticis, &c.* MSS. C. C. C. 105. 228—Ibid. 336.

These cases, therefore, I humbly think, do not much assist Mr. Prynne's argument; of this too he must have been aware himself; for he makes his authority as visitor to the University of Oxford to depend on the *broad seal of England*; and in his Book, from which I have quoted, he calls the Parliament “the supreme visitors and reformers of all corruptions and abuses both in church and state;” and we see, that this very authority of Archbishop Arundel, just mentioned, rested on the same authority: and that Rich. II. paid no deference to any absolute archiepiscopal rights is evident; for he deprived this very prelate of his archbishopric; and, though Hen. IV. restored him, Rich. II. was inexorable, notwithstanding he was strongly solicited by the Pope himself. Parker, *Archiep. De Antiq. Eccles. Brit.* p. 407.

Archbishop Parker is the great authority for this archiepiscopal right of visiting the Universities, which he reckons among the *Canterbiensis Sedis Privilegia & Prerogativa*; ut sup. p. 37, and it is remarkable enough, that the only authorities appealed to by him are those just referred to A. 20, Ric. II. and 13 Hen. IV. (though several other visitations had been made) which shew, indeed, that the Pope's Bulls of Exemptions were annulled, and that the Universities were not thereby exempt from metropolitical visitations, (and according to Archbishop Parker's own account, Arundel's visitation was no more; *In eadem Synodo Doctores Oxonienses quasdem Jo-hannis Wiclyffi opiniones exposuerunt, quas Synodus condemnavit—deinde totam pene Provinciam visitando lustravit*, ibid. p. 407. Nor was Archbishop Kilwardy's noticed by Bishop Godwin; Paulo postea Universam Provinciam visitavit et Academiam utramque. *De Praesul. Angl.* p. 97. Richardsoni Edit. So that Archbishop Arundel's case, strong as it may seem, does, by no means, reach that of the supreme visitatorial power, nor does it prove that the Archbishop possessed any *absolute rights*, as he expresses it elsewhere, in regard to this matter;—*quae legibus non sunt expressa—but rather the contrary; and, indeed, that instead of absolute rights, he acted even then under the counsel and direction of the King, and the authority of the supreme power.*

Again. As to these metropolitical rights themselves—Archbishop Parker's *PRIVILEGIA ET PREROGATIVA* (including his *Right of Visitation* of the

DISSERTATION.

its true point of sight, by contemplating the exercise of such authority in the act of Reformation, on the supposition that

Universities of Oxford and Cambridge) they are either such as are held in common with other bishops, or, as Parker expresses it, rather strongly, are “*absoluta, sibiq. peculiaria, quæ legibus expressa non sunt.*” They were, indeed, bestowed by popes, or conceded by princes: but by whomsoever, they are now held in dependence, submission, and responsibility. If given by popes, it may be seen by the Act of Supremacy, and other acts passed in Hen. VIIIth's reign, 24 Hen. VIII. c. 12. 25 Hen. VIII. c. 25. 26 Hen. VIII. and others (some of which did but restore to the crown rights, which by other acts, of Rich. II. Hen. IVth and Vth, it possessed before) that the supremacy over all ecclesiastical causes and persons having been recovered by the Crown from the Pope, together with all the clerical privileges and prerogatives whatsoever, no portion of the power which the Pope had over the Archbishop, or which might have been supposed to have been his absolute prerogatives, were left invested in the Archbishop. It was further provided that in the case of monasteries, colleges, &c. exempt from episcopal power, and immediately subject to the Pope, the visitation “ shall not be by the Archbishop, but by Commissioners to be nominated by the Crown,” and whether Universities were then considered as exempt or non-exempt, they all alike fell under its jurisdiction, and were visited by Commissioners nominated by the Crown.

The aforesaid act of Hen. VIII. was further confirmed by the Clergy's “*ACT OF SUBMISSION,*” agreed to in the Clergy's own Convocation. Nor does the Visitation afterwards, in Mary's reign, of Cardinal Pole, whether as archbishop or as legate from the Holy See, affect this question at all; the whole powers of Henry's supremacy being fully and firmly resettled in the Crown by the famous act, 1 Eliz. which restored to it the ancient jurisdiction over the state *ecclesiastical and spiritual.* So that all the *privileges and prerogatives* of the archbishops, with the clergy's in general, were thus by Act of Parliament held *Trinodū necessitate.*

Our priuces and clergy well understood and felt the import of these several acts. Henry the VIIIth even appointed a layman (Lord Cromwell) as his vicegerent for *ecclesiastical affairs*, who, in that capacity, visited the Universities. Archbishop Cranmer's Metropolitical Visitation for reforming the Religious Orders had the King's licence *; and the Clergy, in their Address to Queen Elizabeth, disclaiming all *self-will*, acknowledged in comparison with her, “ they were dead dogs † and fleas.” And notwithstanding

* Burnet's Hist. B. I.

† Canes mortui et pulices. ‘*The Clergy's Address to the Queen, against the Use of Images.*

a Reformation should ever be required in our Universities—which is our second point to be considered.—

standing Archbishop Parker's claim on *paper* of *Privilegia absoluta*, sibi peculiaria, et legibus non expressa, had he ventured to have acted in a metropolitical character without her licence, and still more, as Supreme Visitor, without her commission, she would undoubtedly (as she once threatened *with an oath* one of her bishops) have “unfrocked” him.

These expressions are, however, not alluded to here, for their ludicrousness and coarseness, but to shew, that ludicrous expressions may conceal serious acknowledgments, and that very coarse language may speak plain truths; and the fact is, the supremacy in all ecclesiastical causes, persons, and prerogatives, is now, by Act of Parliament, secured to the Crown: the *Conge d'Elire*, and the very *pallium*, *ring*, and *pastoral staff*, that is to say, all the spiritualities and temporalities of bishops are derived from the Crown; and Ordination—Confirmation—Spiritual Jurisdiction, and *Rights of Visitation*, are all commissions, from the legislature, and all performed, *vice, nomine, et authoritate regali*; and the Act of Homage, formerly paid to the Pope, now only to the King, at the consecration of archbishops and bishops, is a formal acknowledgment of such delegated authority. Visitations, by whomsoever made in our Universities, were, I apprehend, always by commission, either expressed or implied. Thus, when Lord Cromwell, the Chancellor, visited A. 27 Regni Hen. VIII. it was Injunctionibus Regiis (Priv. Cantab. p. 45), where he is called *Visitator Generalis et Vice-gerens, et Universitatis Cancellarius*. So when Dr. Parker, the Vice-Chancellor, and others, visited A. 37 Hen. VIII. it was by commission: MS. Bene't Col. CVI. 80. We find, too, by the Privileges of Camb. p. 136, that in those colleges which were not provided with a special visitor, the Chancellor, or, in his absence, the Vice-Chancellor, was appointed visitor; but this was settled by charta Jac. I^{mi} A. 1604. All which acts imply a supreme visitatorial power in the king, given by him in commission to others. And even with respect to legantine visitations, in ancient times, under authority from the Pope, it was either by connivance, or permission, or licence, from the King, subject to his regulations and control, and, if they interfered with his prerogatives, or opposed his pleasure, they were interrupted and forbidden by the royal power. Several examples of the visitations of legates may be seen in Hare's Priv. of Oxford and Wood's Antiq. Oxon; and, with the explanatory circumstances, which bring them within the above theory, in Dr. Johnstone's Visitatorial Power Asserted, ch. iv. sect. 1. And, in short, with respect to what are called, the ordinary visitors, the conclusion drawn by the latter writer seems correct, with respect to Cambridge, as well as Oxford, “that whenever the visitations were made by the ordinary visitors, viz. the archbishop

DISSERTATION.

II. It is after a retrospective view of some objects, that we are enabled sometimes to see more distinctly and justly,

or bishops, it was about something relating to their functions, settled by the Canons, and allowed by the laws of the land; but still the last resort was made to the King, besides his first giving leave, as by many particulars is very clear."

It should seem, as if this right of supreme visitatorial power over our Universities is considered rather as a delicate subject; it being seldom noticed in our academical contests; nor, which is remarkable, even in our Civil Law-Courts, where the right of appeals, and of the Local Visitors, has sometimes passed under examination; nor, which is more remarkable still, is it once alluded to in that famous Opinion of an eminent lawyer (Lord Chancellor Hardwicke) referred to a few pages back, though the subject naturally, and almost necessarily, might seem to require it. But there can be no doubt where it legally and constitutionally now resides, by the known exercise of it on great occasions for final appeals, supreme jurisdiction, or national reformation, and by the distant acknowledgments of great legal authorities. Thus, when Lord Mansfield *, in Mr. Crawford's case, says, "the King's courts, if the Colleges do not exceed their jurisdiction, have no cognizance, no jurisdiction," it implies, that if they did, there was a higher supreme authority. So again, when Judge Blackstone, speaking of the seizure of the charter of the City of London by Charles and James the Second, adds, "though perhaps in strictness of law, the proceedings † in most of them were sufficiently regular," he means to say, if I understand him right, that the King, as supreme executive magistrate under Parliament, the primary founder of all corporations, and supreme visitor, has the power of conferring Privileges, and in a legal, constitutional manner, of taking them away, and that, with a salvo for the premises, the formalities in proceeding were not irregular. He is speaking in reference to his general ideas on corporations, which will equally apply to Universities.

These learned societies, then, as bodies corporate, deriving their existence and character from the State, are naturally guarded by its protection, and favoured by its servants. This partiality has appeared conspicuous, in the language of the Confirmations of their Privileges in successive reigns; in various Orders of the Privy Council; and in the Decisions in our courts of law; as may be seen particularly in the orders of Privy Council A. 12 James I. (see the Privileges, p. 138) and Lord Mansfield's Decisions in the

* General View of Lord Mansfield's Decisions, &c. Vol. I. p. 164.

† Comment. B. I. c. 18.

by relative considerations, those which are nigh ; and we afterwards pass more naturally, sympathetically, and even somewhat prophetically, into the distant prospect. So it is with what concerns the fortune of human institutions. By comparing what has been with what is, and the nature of those powers, called into exercise, in the superintendance of them, man is apt to form inductions, as to what will or ought to be. His inductions, indeed, may be erroneously made ; or if made truly, he may not live to see them realized ; but if they are just, his convictions, at all events, may become a reasonable rule to his own conscience and conduct.

Monsieur Claude, in his *Defence of the Reformation*, among the French, proceeded therefore with much good sense : after shewing that the state of the government of the Latin Church, many ages before, had formed in their fathers prejudices relating to corruption in doctrine and disci-

Court of King's Bench, under the article, *Universities*. In our courts, both of Civil and Common Law, indeed, it is always usual to pay deference to their ancient charters, and local customs, and to refer their internal disputes to their own domestic jurisdiction, that all tediousness of delay and the danger of wasting their finances by expensive law-suits may be prevented. It is to be lamented, doubtless, (at least in my humble opinion) that the proceedings in our University-Court are so little according to the principle and forms of our Common Law. So, however, the law now stands. Still our Universities, in their present state, are (if I use a proper expression) national lay corporations, as our church is a national spiritual one. It may be presumed, therefore, that these learned bodies, in their turn, are not now, nor will at any future period be, ambitious of being subject to any jurisdiction merely spiritual, any more than they formerly were to a Popish usurpation. And, as our Laws and Constitution now stand, it does not appear likely, that any professional gentleman, of much judgment, should defend, any archbishop should undertake, either University be willing to acknowledge, or an English Parliament prepared to allow, any supreme visitation of these learned institutions without a sanction and commission from the supreme authority.

The subject on which I have here fallen, being one that has not been much gone into by many writers, if the principles should appear to be founded in truth, and to have any serious tendency, this digression, though long, will not, it is hoped, be deemed unnecessary.

DISSERTATION.

pline, sufficient to induce them to examine their religion—and that the authority of the prelates of the Latin Church in binding them to a blind obedience, was unreasonable and unscriptural; after pointing out their abuses and corruptions, as admitted by their own friends *; after shewing, that their fathers, from what had passed for several ages, perceived no Reformation was to be expected from the Pope and the prelates; after these, and other similar preliminaries, he proceeds to shew, that on supposition, their fathers were right in their foundation, they were to be justified in setting on foot an Ecclesiastical Reformation, by providing for themselves and their posterity—not by amalgamating their discipline with the old establishment, which many efforts had proved to be fruitless and impossible, but by an entire separation from it, which, by differences of opinion, and opposition of interests, became absolutely necessary.

The Reformation in England was of a more mixed nature; and state-policy is often as conspicuous in it as religion. Accordingly, Bishop Burnet begins his History of the Reformation in a different manner from Claude. The Union of the Houses of York and Lancaster in K. Hen. VIII.; the King's successes in his wars; his relation to other civil powers; the factions in his council; the ambition and intrigues of his ministers; his quarrels with the Pope, about his divorce; the claim and rivalries between the crown and the mitre, in contests about ecclesiastical immunities;—these, and such-like disputes, principally of a secular nature, if not the original spring in that great work, the Reformation, were at least some of the principal wheels which kept the machine in motion: and, accordingly, these topics even take the precedence in Burnet's History.

Not, however, that religion was not the great pretence, though never even avowed as the only one: it, however,

* Cassandra; *Consil. Art. de Eccles.* as quoted in Claude's Epistle Dedicatory to the Marquis of Rovigny, in his *Def. Reform.*

claimed the peerless pre-eminence. Wickliffe's faithful testimonies became powerful incentives; and his doctrines, which, though long suppressed, could not be extinguished, were the secret fire within, which gave spirit to the cause and, when it got free vent, spread a lustre and glory round it. Nor was this all: many eminent men of those times never professed to have raised the edifice to the height of which it was susceptible, but only so far as the politics of that period would let them*: they left their work, therefore, unfinished, but with a confidence that future times would carry it further. Hence it was, that old Latimer, alluding to the Reformation, says, in a Sermon before Edw. VI. "They say in my country, when they call the swine to the trough, Come to the mingle-mangle, come, peers, come; even so do some make mingle-mangle of the Gospel †." And Bonner, in reference to the remains of some of the Popish ceremonies, is said to have observed, "If they sup of our broth, they will soon eat of our beef‡."

But our business is only with the English Universities. These, as we have seen, originated in times, when impostures could be practised without danger or disgrace; when immoralities could easily obtain absolution; when politics and theology were immersed in profound errors: it cannot then be an unreasonable prejudice, to presume, they may retain some imperfections, some remnants of the errors of former times. It would be rashness, bordering on madness, to account every thing that is ancient unprofitable; but it would be weakness, to a degree of superstition, to approach each relique of antiquity with indiscriminate admiration and unqualified praise. There is the folly, no less than the wisdom,

* Fox's Martyrology. Burnet's Hist. Reform. 1st Part. Hume's Hist. Eng. Edward, Elizabeth.

† Gilpin's Life of Bishop Latimer.

‡ Piercii Vindic. Non-Conf. p. 4.

DISSERTATION.

of ages. Ordinances of ancient appointment may be sometimes very wisely turned into new channels; they may take a very promising direction, and be made to administer to modern use: (as by a chemical process substances the most unpromising and apparently heterogeneous may be converted into salutary food) this, however, is not the ordinary course of things: more generally, each age has its appropriate wants, and requires its peculiar supplies; experience teaching us that, however many customs and laws may have suited the genius of former generations, for the purposes of the present their capacities fail; not corresponding to the taste, not satisfactory to the wants, of a more enlightened state of society. Should it be admitted that our reformers endeavoured to catch what Montesquieu calls the “ general spirit” of the times, (the true criterion of the excellence of all political regulations) and to accommodate their proceedings to it, why should not modern politicians and reformers walk by the same rule? There is no other way of securing liberty*.

True it is, that these learned—let me add, without the suspicion of either adulation or of irony—venerable, institutions underwent a change, in many respects for the better, at the Reformation, and have always been eminently distinguished in the Annals of Literature: but it will, at the same time, be recollect ed, that they were adapted most strictly to the genius and character of that Reformation. So if the Reformation of our religion was itself incomplete, (and in the judgment of the reformers themselves, as we have just now shewn, it was so) we are not to expect, that our academical institutions were left perfect.

We must not be surprized then that our fathers at

* Il y a deux sortes de tyrannie, une reelle, qui consiste dans la violence du gouvernement; et une d'opinion, qui se fait sentir lorsque ceux qui gouverne etablissent des choses qui choquent la maniere de penser d'une nation.—*Montesquieu*, l. 19, c. 3.

the Reformation, complained of these defects; nor that since, they have not ceased to complain; nor, that the attempts of our princes* to silence them by restrictions did but tend to make certain defects the more conspicuous, and the complaints of many learned and good men to appear more just and reasonable.

What Lord Mansfield observes of them must, I humbly conceive, be taken *cum grano salis*.

“There is a vast deal,” says his Lordship †, “of difference between a new charter given to a new Corporation, and a new charter given to a Corporation already in being, and acting either under a former charter, or prescriptive usage.—Whatever might be the notion of former times, it is most certain now, that the Corporations of the Universities are lay-corporations, and that the Crown cannot take away from them any rights that have been formerly subsisting in them under old charters or prescriptive rights!”

Now the Privileges of Universities, being simply those of Corporations, are Grants, either from Popes, Princes, or Parliaments: Bulls, is but another name for *Popes Charters*. And those powers which give charters can, though not arbitrarily, and without sufficient reason, take them away, on the principles both of the Civil Law and Common: and they have frequently done so. Ecclesiastical privileges and exemptions were given mostly by Popes, and they have been taken away by Popes and also by Kings and Parliaments. If, as Lord Mansfield’s words seem to hold out (“according to the notions of former times”) these bodies were ever ecclesiastical Corporations, they became so mostly by virtue of Popish Bulls, and were confirmed such (for confirming a charter is the same as another creation) by royal charters: and we find that some of them were annulled by subsequent charters; that some things, savour-

* *Literæ Regiae. Privileges, &c.* p. 347—354.

† *General View of Lord Mansfield’s Decisions in Civil Causes*, by Evans. Vol. I.

DISSERTATION.

ing even of privileges were left out of Elizabeth's charters; and, that Hen. VIII. took away all the Popish; and for reasons weighty, legal, and authorized, viz. as being contrary to the laws and constitution of the realm. Cogent reasons also might subsist, or arise, and similar arguments would apply, with respect to lay Corporations. A violation of charters, unwarrantable, contrary to all justice, and wherein equity could give no support or relief; a discovery, that they had been conferred arbitrarily and iniquitously, or procured fraudulently, though the frauds might have been deemed pious; or a change in the laws, manners, religion, and turn of thinking in a country; such-like circumstances would justify, I conceive, the resumption of charters; (for as *the King never dies*, the same power which created would destroy) under these circumstances, government would but follow the order and nature of things *, the regular course of human events, which necessarily and immediately alters the relation of things. A state, that gives privileges, which are in reality mere acts of grace, (proceeding, as they often run, and as it is always implied, *mero motu, speciali gratia et favore*) and which

* Legal science, strictly speaking, stands on the same ground, and has in view the same object, *utility*, as morals: ultimately it rests on certain *principles*, which Aristotle calls either *Φυσικα* or *Θετικα*. the former being of a speculative kind, which the mind of man perceives to be agreeable to the order and natural appearances of things; the latter practical, (which he calls, *κοινα τεχναι*) which appertain to human actions: *Nic. Eth. L. 1.* what he says of political science, as appearing, on account of the differences and injuries which it contemplates, to be *νομιμη μονεμη, φυσικη δε μη*, applies more forcibly to jurisprudence, owing to the complicated nature of man, his various relations, conditions, transactions, altercations, and changeableness in the state of society, (and hence, particularly in the English Law—its numerous *exceptions, distinctions, canons, cases, interpretations*, and the like) still as the Civil Law is admired principally for its *rules*, so is the Common Law, as being resolvable into *principles*. The excellency of our Court of Chancery, as a *Court of Equity*, consists in its proceeding by principles, being the very essence of our Common Law; one of whose admirable maxims is, *Quæ rerum naturâ prohibentur nulla Lege Confirmata sunt.*

not only conditions and obligations, but subsisting ilities and possibilities, could not allow their continu-contrary to the genius and spirit of present laws and existing constitution, with powers capable of injuring etarding its new arrangements, its own regular, authori-movements. On such maxims it is, that on the prin- of the English Constitution, the acts of one prince ot bind, notwithstanding the form of speech some-used, his successors, nor the acts of a preceding Le-ure those which follow. This is policy essential to om. Without it bad laws could never be repealed; ood laws, which opposed them, be enacted. An ex-

Government, then, I apprehend, does possess this le-orial controul, this reserved stipulation and condition, essential, paramount capacity of withdrawing, as well stowing, Privileges; a capacity like that in a certain line, wherein the same power, which raises a weight, et it down. Lord Mansfield, then, was not infallible. ith respect to Q. Elizabeth's Statutes—Lord Mans- speaks of the University's *accepting* and *receiving* —He says, “The validity of these Charters turns on acceptance of the University. ‘ When Q. Elizabeth these Statutes, the University,’ &c. “ Nor could the versity mean to accept them (the Statutes) on any other s*,” which he had just mentioned.

ow the act of receiving implies something voluntary, a g willingly, with a degree of pleasure or of satisfac-

is a known maxim in our common law; *Quando jus domini, et ti concurrunt, jus regis præferri debet*; nor less the following; *Priva-m non valet contra Rem publicam*.

reeable to these sound maxims of English law, are those positions of otle's, being the true criterion of political justice, which is only mo-taken on its largest scale: Εἰ γαρ κτι ταῦτα εἰς εἰς και τολει, μείζον γε πλειοτέρω το της τολειώς φαινεται και λαβειν και σωζειν αγαπητον μεν γαρ και οντος καλλιον δι και θειοτέρων, εγενε και τολεσιν η μεν ουν μεθόδος τουτων, το τολειτικη ουσα. *Moral. Nichomack. L. 1. c. 1.*

General View of Lord Mansfield's Decisions in Civil Causes, by Evans.
I. p. 159.

DISSERTATION.

tion; without that affection, the recipient would not be a free agent, the act of such receiving becoming the mere act of submitting. A brief examination of this matter may perhaps tend to place it in its true light.

Her Majesty gave her first charter to the University of Cambridge in 1559: between that time and the year, when she gave her large body of Statutes, which was in 1570, she honoured the University with a visit. This was in the year 1563; and on her departure, she addressed that learned body in a Latin speech. Therein she announced aliquod opus, which she meditated for their benefit—aliquod opus faciam, et quamdiu vita hos regat artus, nunquam a proposito deflectam—and, if she died before it was completed, still she said, aliquod egregium opus post mortem relinquam, quo et memoria mea in posterum fiat celebris, et alios excitem exemplo meo, et vos omnes alacriores faciam ad studia * vestra.

What our Church and University-Historian, Dr. Fuller, says, concerning this visit of Queen Elizabeth, reminds one of those ecclesiastical architects (it is well known that our old ecclesiastics and monks much studied architecture) who have sometimes so intermixed two orders in their churches, that they cannot be called one. So it fares with Dr. F.'s wit and management, with his complimenting, when combined with his candour and integrity. He says, "all were well pleased with this visit of the Queen." Yet by his reference to Sir Geo. Paul's Life of Archbishop Whitgift, p. 7, and by his own marginal note concerning "the first Cause of Mr. Cartwright's discontentment," he leads us to believe, that the latter was not well pleased; (Hist. of Camb. p. 139) and from the two following pages, that Cartwright was a very learned man†, the most popular

* Her Majesty's speech is in Fuller's Hist. of Camb. p. 138.

† Dr. F. possessed too much candour and learning, not to say, regard for his own reputation, to deny this. He calls Cartwright a great scholar, and admits, that he had the superiority over Whitgift in point of learning. As to

preacher in the University, and “his followers” the most numerous party in it: and, if Cartwright and his followers were not well pleased, (and there is every reason to believe they were not) it appears to have been more about what concerned their consciences, than the favour or displeasure of her Majesty. Dr. F. adds, “that soon after this, Cartwright went beyond the seas, and after his travels returned a bitter enemy to the Hierarchy.” The fact, however, is, that his dislike commenced long before, even before Queen Elizabeth’s visit, and he did not go to Geneva till after his ejection from the Margaret-Professorship of Divinity *.

his learning, he was the person fixed upon by the most eminent men in the University as the best qualified to answer the Rheimish (Popish) Translation of the New Testament, published at that time: this he executed in one volume fol. 1581, with the names of the learned Cantabrigians prefixed, who prompted him to, and sanctioned, the work. It appears further, that Secretary Walsingham solicited him to undertake it, and it is thought, that Q. Elizabeth herself disbursed the money he sent him. Her Majesty had written to Beza to undertake the work, who recommended Cartwright as the fitter person for it, as the fittest person, too, in England, adding, that the “sun did not shine upon a more learned man.” *Pierce’s Vindical. of Non-Conf. p. 101.*

* Dr. Fuller, in another point, gives over-measure to Dr. Whitgift (then Archbishop of Canterbury), and to Dr. Cartwright, proportionably less than his due. The Puritans, (who in the judgment even of their opponents were the most learned of the clergy), printed Admonitions to the Parliament, containing a Recommendation of their Platform, and Censures on the Established religion. The Ecclesiastical Polity of Mr. Hooker, a man of rare abilities and learning, may be considered as an examination of those principles, and as a vindication of the established church. To the *Admonitions* Archbishop Whitgift (a person very inferior in talent to Hooker) wrote an Answer; and to this Answer Cartwright was fixed on to make a Reply, (though he had no share in the *Admonitions* themselves, as it has been said he had). His Grace afterwards wrote a Defence, and Dr. Fuller, it appears, gives many conjectures on the reasons of Dr. Cartwright’s silence, as though he could not, or durst not, answer it; when the fact is, Dr. Cartwright did answer it in two volumes, one printed in 1575, the other in 1577; and, which is more extraordinary, in the preceding page (*Hist. Presbyter. p. 237*, as quoted by Mr. James Pierce, (for I have not perused

DISSERTATION.

But to trace this matter a little further back. When Elizabeth succeeded to the crown, eleven Popish Masters of Colleges were removed by her, to make room for an equal number of Protestant. There had been a similar removal (for the number was exactly the same) of Protestant Masters, to make room for Popish, on the accession of Queen Mary*; and in the University there were still some who kept snug, conformists to the church established, though secretly attached to Popery, such as had been Protestants under Edward, Papists under Mary, and now Protestants again under the reigning queen †. Such men, at least but half Protestants, might, probably, be well pleased with their prospects of preferment ‡, who yet could not be much

(the work), Dr. Fuller himself quotes Cartwright's last Answer. But the Archbishop took the most effectual method of answering all Dr. Cartwright's works at once, and silencing him, by throwing him into the Fleet Prison.

Neither these remarks, nor those in the text, are intended as a defence either of the Presbyterian or Episcopalian Platform, nor of the Rheimish Translation of the New Testament, nor yet as a censure of either. My business lies in another direction: and all intended is, to throw a few grains of truth into that scale, in which Dr. Fuller has not given full weight. As to persecution, it was the order of the day in these times: whichever party gained the ascendancy, whether Popish, Prelatical, or Presbyterian (and each got ascendancy in its turn), its regular course was to call in the civil magistrate and to proceed to persecution: (it seems, indeed, to have been almost a necessary consequence of admitting the opinion, that the civil magistrate should interfere with religion at all; the opinion must be taken with all its consequences) and if both Papists and Episcopilians were severe persecutors of each other and of the Presbyterians (and it is sadly true they were so), it will be recollected that the Presbyterians took their turn, persecuting both Papists and Episcopilians, when they got into power.

* Fuller's Hist. of Camb. pp. 132, 135.

† Some of her ministers were of the same character, as one states who well knew. Sir Robert Naunton's *Fragmenta Regalia*, p. 12.

‡ This visit of Elizabeth to Cambridge reminds me of that farce that was

pleased with the new regulations, a compliance with which, (agreeably to a hint thrown out in the Proœmium of Eliza-

acted in *the former reign* before her Sister, though Philip and Mary, and Cardinal Pole, were probably *sincere enough* in their part, whatever may be said of some other performers. The King, and Queen, and the Two Estates of Parliament, were electrified with joy, on Cardinal Pole's appearing before them, after his restoration, in the insignia of his Legantine character, to resettle the Pope's supremacy, and to give a general absolution for all past disobedience. Ludovico Beccatelli says of this interview—"The King and Queen, and the Estates of Parliament, assembled on the day appointed, and the Legate was introduced with full pomp, attended with all the ensigns of his high character, &c. The whole assembly unanimously declared" (*what had they not declared in Edward's reign?*) "they would never swerve from their obedience, and asking pardon three several times for their former transgressions, begged his reconciled benedictions, which the Legate pronounced before them all, the King and Queen standing, and the whole House upon their knees, weeping tears of joy for so marvellous a blessing." *Life of Cardinal Pole.* But, says one of Beccatelli's annotators, the French Ambassador, who was present, saw the inward discontent that sat brooding over the hearts of many that were among them: "L'occasion de sa venue ameyne quelque regret à plusieurs." And he imputes their *apparent* satisfaction to the great cunning and subtlety of Gardiner's ministry, and the dexterous management of the Imperial Dollars.

Pole himself was probably very sincere, when he, in reference to himself and her husband, ventured to address her Majesty thus—V. Mæsta ha da ringratiar grandemente, perche la giunta insieme le due maggior potesta del mondo; cioe quella della Mæsta della imperatore, rappresentata nella Mæsta del Re, et quella della Santita del Papa, rappresentata nella Persona mia. But Bishop Gardiner—What must be said of that ecclesiastical fox? —He had been Chancellor of the University of Cambridge in a Protestant and in a Popish reign; had laboured to render Cardinal Pole (a far more humane and honest man than himself), while abroad, unpopular and obnoxious in England; and, in opposition to him, had written against the Pope's supremacy; yet, in the above interview—oh! what a mystery and riddle is a politician's creed!—he made a pompous oration, wherein "he returns thanks to God's providence, which had preserved this angelic minister for their sakes, who came to lead them out of darkness into light through this their present Act of Obedience" (comprehending submission to the Pope's supremacy) "to the Apostolic See, which their ancestors had always acknowledged." Archbishop Tillotson well observes, "Hypocritical piety is double iniquity."

One is reminded, by such conversions, of the sudden, glorious conver-

DISSERTATION.

beth's Statutes*, well understood) became the conditions of them. For convictions and conversions are not to be suddenly made, except as harlequins turn quickly round in masquerade; in which character it must be confessed some acted their parts well, while Elizabeth assisted in shifting the scenes, by her fondness for Popish ceremonies. But conviction implies the exercise of reason, the approbation and sanction of conscience. And it is inconsistent with the order and progress of mind, incongruous with the process of moral principle, impossible in the very nature of things, that rational changes should take place in rational beings, with the same promptness, the same instinctive transitions, with which certain snakes, in putting off their skins, assume a different nature, and delight in different food; or with which caterpillars undergo the different transmutations in their progress to their most perfect state. The mechanism of the human mind is formed on very different principles; it proceeds by very different laws; and by powerful associations, by refined combinations, arrives at its conclusions on what is just and right.

This was well known to the Queen. She understood, thoroughly understood, while some persons were of more complying consciences, like the willow, easily to be bent, that others, with whom she had to do, were of materials more stubborn and unyielding; who, like the oak, could not be bent, though they might be bruised. She knew there were such men at Cambridge: it was in reference to them she speaks in the above-mentioned preface; *Rursus crescente hominum audacia, nimiâq. Licentia, aliquas novas prioribus esse duximus adjiciendas. Negotia enim quæ de novo emerserunt, novo indigere auxilio facile cernimus*; alluding, I apprehend, to what had passed between her giving her first statutes in 1559, and those given 1570.

sions of whole nations to Christianity by the accidental baptism, which might be merely political, of some reigning prince.

* *Digni Regio favore, digni virtutis, ac literarum, præmio.*

Whether then the University were well pleased with the Queen's visit, or no, and to whatever extent, the presumption would be, on the first glance, that they could not be much, and generally, pleased with her statutes. And, on a closer inspection, we shall, for certain, perceive they were not so. For, though it is supposed that some heads of Houses, assisted in the compilation and composition of the new Statutes, How was it, if the University were well pleased with this *Egregium Opus* of her Majesty's, that they could not be prevailed on, though solicited, to present her with an address of thanks,—the usual formality with that learned body, particularly where they have reason to be well-pleased? How was it that, on the contrary, there were open reasonings, secret murmurings, and direct petitioning against sundry particulars in them? In the Library of MSS. in Bene't College Library, there is a Petition* of 169 members of the Senate, Regent, and Non-Regent, against many articles contained in these Statutes; but they were obliged to take them all, for better or worse. Could they, under such circumstances then, be justly said to *accept* or *receive* these statutes? Were they not rather *forced* to take them? “*Mandatum necessitatem facit,*” said the Queen.

True it is, where opposition is fruitless, complaining will gradually die away. Law has a constraining force, and custom reconciles us to inconveniences. And, as in the

* I have not actually perused this Petition, though I have had the curiosity to make a search for it; nor have I been able to find it in Mr. Nasmyth's Catalogue of the MSS. of C. C. C. , So small a piece as a Petition may easily lie buried in a volume, and not have been taken into the list of Mr. Nasmyth's Titles of MSS. ; or I may have overlooked it: but there can be no doubt of its being in this Library, it being referred to in that well-known controversy on the subject of appeals, maintained in 1751 and 1752, among the learned members of the University, who would never have referred to a paper, which had no existence, which they had not seen, and in a place where they might have been so readily contradicted, had they been mistaken.

DISSERTATION.

present case, were of the more scrupulous and querulous would ~~want~~ ^{be}, less fuel being thus left to feed the spirit of dissension, there would be less heat among those who remain: there would be something more of unanimity, perhaps, on considering the existing state of things, more & restriction. Besides, we are naturally inclined to be pleased with the discipline in which we have been educated, and to approve institutions under which we derive advantages. Hence it is, that an accommodation (and Elizabeth's new regulations possessed much that was of a very mixed, ambiguous nature, will pass for reformation; expediency for reason: and passion for principle. What was passed amidst tumultuary movements, bringing opposite forces into action—like Montesquieu's famous division of three opposite political powers, to effect the balance of the English Constitution—is lost sight of under present quiet and feelings of enjoyment. We are, therefore, not to wonder—for, as through all the affairs of human life, so of political institutions, there is a natural order in events, binding as the laws of necessity—we are not to wonder, on finding among the *Senatus Consulta sive Gratiae*, a Grace, May 3d, 1603, for the Commemoration of Queen Elizabeth (on occasion of her death) “for the innumerable and unspeakable benefit which she had conferred on the body of the University*.” In contemplating her talents, learning, and success in abolishing Popery, and the great energy both of her civil and ecclesiastical administration, they would not be at leisure to remember their complainants, nor the body of sufferers; and, on having fresh in their memories the confirmation of charters, the enlargement of privileges, the liberal manner in which she certainly fostered and rewarded literature, they would too easily overlook, and indeed they were now taught to be reconciled to, the encroachments which she had undoubtedly made on their civil and religious liberties. When

* Privileges, &c. p. 227.

we are gratified with our present situation, we are not apt to disturb ourselves with rigid calculations; and whatever our feelings may be, gratitude is the Aaron's rod, which swallows up all the rest.

There is one remarkable passage in this Grace: “ wherein we shall not only perform our duties, but also give occasion to her successors, for our mindfulness of her Majesty, to esteem the better of us:” and the very same year, Jan. 9th, it is supposed, was passed the famous *Grace de oppugnatoribus Ecclesiae Anglicanæ*; though, in fact, it never was passed*.

This impassioned embalming of the memory of Elizabeth had too complimentary a view on James I.; he read it right, and he began his reign with imposing a new test of obedience; which new and much stronger test of obedience was followed by his order † for subscriptions. But, though the doctrine of *divine right* and *passive obedience*, broached in his reign, gave a mystical charm to the royal proceedings, yet not unfrequently it happens, that men flatter princes, while not convinced by their measures, more plausibly allured, and more outwardly gratified, with what may be profusely given, than inwardly pleased, or conscientiously satisfied, in receiving it. Such was often the case in these times‡; and, in

* Though this Grace is in the printed Book of Statutes, it was only copied from the Vice-Chancellor's Book, and is not to be found in the University Grace-Book, where only it could have official, legal existence. Consequently, though some may presume that such a Grace was passed, there exists no proof; and, therefore, whatever may be said of Queen Elizabeth's Statute de Concionibus (cap. 45), that Grace must be considered not merely as one of the many obsolete Graces, but as a nullity. See Mr. Frend's Trial.

† Privileges, &c. p. 347.

‡ It was in reference to a person of this character, one of puritanic principles, who accepted a Bishopric in James the First's reign, that the following lines were written:

Solatus frustra conjug, solaster amiti,
Et medicum accessi sedulo quisq.-jubet :

DISSERTATION.

the present instance, the law just alluded to plainly indicates, there was a strong tendency to discontent ; and the perturbed, diseased state of the body appeared from the swarms of sectaries, which began to spring up in this reign, and which continued to rise in greater numbers, and with a more sensible, busy noise, for several years afterwards.

James I., though no friend to military tactics, was much attached to ecclesiastical. In addition to Elizabeth's Statutes, and his own three " darling articles," he must needs surround the University with his canons and ecclesiastical jurisdiction ; though, it must be confessed, " only so far forth as they concerned divine service :" for his Majesty himself maintained, " it was held, that the spiritual jurisdiction of the University of Cambridge, and of all the students and members of the Colleges there, belonged to the Chancellor, and the subordinate ministers of the University, or the students and members thereof, *as they are collegiates* ; except in case of special visitation ; which privilege of the University he was not willing to have infringed." His Majesty's words run thus : " First, we do command, that all the ecclesiastical laws, canons, and constitutions of this our Church of England, so far forth as they concern divine service, be duly observed in all and every the Colleges, without immutation, upon any pretence of local statutes whatever*."

Towards the members of the University the language and temper of James were those of high authority† ; towards the

Sed dare solamen nemo, dare nemo salutem
 Te praeter poterit, Rex Jacobe, mihi:
 Quæ corpus gravat atq. animam simul, exue mitram.
 Huic capiti: hujus onus me premit et perimit.

Pierci Vinde. Nonctm. &c.

* Privileges, &c. p. 351.

+ Ibid. p. 354.

town, while complimenting the learned body, somewhat contemptuous; and he would not allow it to be a *city* *.

The case of many who complied, as well as of many who receded, were alike so many testimonies against certain particulars both in the Statutes, and in his Orders and Injunctions.

Charles I. by his Injunctions, May 4th, 1629, ordered "that all those directions and orders of his father, which at any time were sent to the said University, should be duly observed and put in execution;" among which were some, which would remind his Majesty of certain advice given by James to his son Henry, when in Scotland, directing his conduct to a large body of men, some of whom had made a considerable figure in the literary world:—"Do not suffer them," said he, "if you resolve to live in peace, to enjoy the same country with yourself, unless, mayhap, for trying your patience, as Socrates lived with Xantippe †."

With respect to those members of the Universities who continued obedient to his and his father's Injunctions, he was sufficiently gracious ‡; and in matters which kept the town in its accustomed subjection to them by his confirmation of their most ample privileges, liberal enough towards them; though how far consistently with the nature of commerce and the liberties of the town, is another matter. The case, however, alluded to, refers rather to their charters, than their statutes.

In this prince's reign there continued to spread the spirit of discontent and strife, about doctrines, particularly with

* Non honestatur plebeiae civitatis appellatione musarum domicilium: vel sane literatorum dicatur civitas: vel quid in villæ nomine vile est, incolarum tegatur celebritate. Privileg. p. 346, which passage in page 346 the reader is desired to correct by this.

† Jacobi Op. Δωρος Βασιλικος.

‡ Privileges, p. 143. *About settling the price of Victualia et Focalia*, Dec. 4th, 1629. Compare Queen Elizabeth's Charter (Privileg. p. 124) with the above Order in Council by Cha. I.

DISSERTATION.

those who afterwards fell in with the views of the Parliament. This discontent and strife the statutes of Elizabeth, the articles of James, and the measures adopted by Charles, were ill-qualified to allay. Towards Oxford the King authorized a visitation, by Archbishop Laud, a person little acquainted with the healing art, incompetent to bringing learned men into union on the noble principles of civil and religious liberty. This visitation appears to have been engaged in by agreement between the Archbishop and the King, without the advice of his Lords in Council*; a circumstance scarcely worth noticing, of Charles, who governed the nation at large without once taking the advice of his Parliament, and even, as we have already seen, without calling one, for many years.

During the Commonwealth, a plan was in contemplation for the reformation of the Universities: and for reformation there was abundant room. It does not appear from *the Solemn League and Covenant*, nor from Mr. Prynne's famous Speech in the House of Commons, already referred to, (the best authorities on this subject) that the Presbyterians were hostile to a King, while ruling with a Parliament, nor averse to kingly government, properly limited; but that they were totally unacquainted with the principles of religious freedom: it does not appear, that they wished to disperse the property of the University, but only to appropriate it to their own party: it does not appear, that they aimed to annul Charters, Privileges, or Statutes; but merely to jostle

* Dr. Johnston ("The King's Visitatorial Power asserted," &c. p. 252), who so strongly supported the arbitrary measures of James II. against the Master and Fellows of Magdalen College, Oxford, on the subject of Laud's visitation, speaks of the "King's Order in Council;" but there is no mention of the King's Council in the Archbishop's Petition to the King; and the King's Answer, dated Hampton Court, 22 May, 1630, runs thus—" His Majesty is graciously pleased to grant this Petition, and to hear all parties upon Tuesday the 14th June, when all parties are to attend with their Council, or otherwise, as they please."

out the party * unfavourable to their plan, and to hedge in their Discipline, Directory, and Doctrines, to fill up the gap—All, Vanity of vanities, and Vexation of spirit! Little benefit is obtained in altering a form, while the principle is bad—The schemes of the Papists, of the Episcopalian, of the Presbyterians, were each alike inconsistent with the nature of a lay-corporation, hostile to the claims of literature, and destructive to religious liberty—Non tali auxilio—Rotten buttresses can prop only weak edifices, and give no support to such as are strong.

One and all then in these times, had reason to complain of some existing statutes and orders, or of such as it was intended to be put in force. They all stood in the way of “unity of Spirit, in a bond of peace”—“Do men gather grapes of thorns or figs of thistles?”

Without scrutinizing into the views of certain pretenders, and their predominant peculiar errors, certain it is, there were among them many who were friends to literature, and

* As is clear from the *Querela Cantabrigiensis*, (p. 19 to the end) though this is rather an enraged account of the process in ejecting the Royalists from Cambridge-University, than a statement of the rules for the admission of the Parliamentarians. *Wood's Hist. et Antiq. Oxon. Lib. I.* from p. 369 to p. 414, contains a minute account of both. The first article in the Solemn League and Covenant, to be sworn to by members of the University, even the scholars, reads thus—Conabimur insuper Ecclesias Dei in tribus his Regni ad Arctissimam (quam fieri potest) in Religione, Fidei Confessione, Regiminis Ecclesiastici Formâ, Directorio Cultus et Catechismi, Consentacionem et Uniformitatem adducere, &c. Whoever has read this *Confessio*, &c. will see that the Covenant left no room for a grain of liberty. The Chancellor (the Earl of Pembroke) took the following oath:—“Fidem tuam astringes ad observanda Statuta, Libertates, Privilegia, et Consuetudines hujus Universitatis, rite stabilita, ita tamen, ut autoritati et Potestate Parliamentariorum subjaceant; atq. id praestabis quoad ex munere et officio ad quod admissus es evocabere.” And it is clear, from the ambiguous manner in which the public orator speaks of the University-Statutes, and of the Divine Statutes, (presenting him, at the same time, with a New Testament in English) that they had it in contemplation to reform the Statutes, according to their exposition of the New Testament, i. e. according to the doctrine and discipline of the Church of Geneva,

DISSERTATION.

well affected to the true interests of civil society. But as disease retards the genuine functions and affections of the natural body, so will intellectual and moral depravity those of the political; and, as in the former the soundness of the constitution is the best security against some maladies, so are principles well ascertained, rightly, producibly organized, and fairly directed to the happiness of the latter, the true, the only security against a corruption as well of the body at large, as of detached members of it. All plans, short of this, short of equal liberty and impartial justice, having, like chance, no final cause, are exposed to every wind. It was in part, through a misconception of facts, and not applying the experience of former times to the existing circumstances, through not ascertaining the sound permanent maxims of political science, and not combining them into a scheme for public good; but most of all, it was through the ambition, covetousness, and hypocrisy of mere pretenders to reform, as Milton *, who was so well acquainted with the men of that period, honestly confesses, that the hopes and expectations of many good men failed †.

* For worldly-mindedness, under the mask of piety, as it is the most insidious, so is it often the most pernicious, of all the workers of iniquity.

† While describing very forcibly the practices of those "who had no mean sway both in Church and State," and admitting there were among them some men of wisdom and integrity, he observes, "the rest, (to be sure the greater part) were men whom wealth or ample possessions, or bold and active ambition, rather than merit, had commended to the same place, a seat in the parliament."

Of the Clergy, he remarks, "These conscientious men, ergo any part of the work was done, for which they came together, and that on the public salary, wanted not boldness, (to the ignominy and scandal of their pastorlike office, and especially of their boasted reformation) to seize into their hands, or not unwillingly to accept (besides one, sometimes two, or more, of the best livings) collegiate masterships in the Universities, and rich lectures in the city, setting sail to all winds that might blow gain into their covetous bosoms.—And again, "while they taught compulsion without conviction, which not long before they complained of as executed unchristianly against themselves; these intents are clear to have been no

DISSERTATION.

493

Whatever there may have been in the *Orders of Oliver Cromwell*, they were all, by a Grace, April 27, 1661, blotted out of the University Records; but the Graces passed between 1642 and 1659, inclusive, were suffered to stand; and, with the exception of one (which it seems has never been acted on), they appear to be unexceptionable: those which tend to suppress needless expenses, on taking degrees, to set aside obsolete statutes, and to prevent or blot out the guilt of perjury, are entitled to particular respect. They may serve, too, as a testimony against the nature and tendency of some of Elizabeth's Statutes.

Charles the IIInd then was restored, but broke faith with his subjects by violating the Treaty at Breda, as effectually as Louis had with the French Protestants, by the Revocation of the Edict of Nantz. But to pass this—he chose to keep things in the same order at Cambridge-University, in which Elizabeth and James left them. The Act of Uniformity operated on our Universities, as well as on the Church, by ejecting several Masters and Fellows of Colleges*. This Act may therefore be considered as a Declaratory Act, explaining, by enforcing, the sense of certain

better than antichristian; setting up a spiritual tyranny by a secular power, to the advancing their own authority over the magistrate, whom they would have made their executioner, to punish church-delinquencies, whereof civil laws have no cognizance."—

—"Thus they, who of late were extolled as our greatest deliverers, and had the people wholly at their devotion, by so discharging their trusts, as we see, did not only weaken and unfit themselves to be dispensers of what liberty they pretended, but unfitted also the people, now grown worse, and more disordinate, to receive or digest any liberty at all." Introduct. to the 3rd Book of his *Hist. of Britain*. It will be found in the edit. of his Works, 2 vol. fol. 1738, and the subsequent edit. in 4to, but could not, for obvious reasons, be inserted in the former editions. It will be also found in Mr. Baron Maseres's edition of Milton's History, published separately, in 1818.

* Calamy's Abridgement of Baxter of Ejected Ministers. Vol. III. p. 114.

DISSERTATION.

Statutes, and Senatus-Consulta, given by the reigning powers, and so considered by those who suffered under them. Hence the *Dissenting Interest*, those various classes of sectaries, as they are called, who were thenceforth to be considered not as disaffected and suspected regiments, within the garrison, but as hostile companies without; who, if they have not always violently opposed, have never heartily approved; and if not frequently attacking the citadel, have been often found assailing the outworks.

It appears, then, that the arrangements of our academical discipline and regimen, from its commencement under Elizabeth to the last Orders of Charles II. at which period this our Book of Privileges closes, have never been so perfect, as to require no correction, nor so liberal, as to silence all complaint. On the contrary, there has been left in them much room for both. They have resembled houses in danger of falling into ruins, which frequently want repairs; or bodies standing in need of the medical skill of very heterogeneous practitioners, by their tendency to some accidental or constitutional, indescribable disease. Hence frivolous controversies, violent commotions, hostile divisions, and painful separations; while these altercations, having terminated, at length, in the ascendancy of one party, were followed by obsequiousness towards the authority, which oppressed the other. Hence flattery, which while it deteriorated genius, gave confidence to arbitrary power*.

James II. if he did not annull statutes, over-ruled them; if he did not absolutely sport with the oaths of the members of Magdalen College, he claimed the privilege of dispensing with them,—in asserting deference to his own power, while claiming a right to expel them, if refractory; and of giving absolution to them, if, in obeying his orders, they violated their oaths. One of his ecclesiastical Com-

* Decora Ingenii, gliscente adulacione, deteiorantur. Taciti Annal.
L. 1.

missioners *, it must be acknowledged, managed part of the dispute with plausibility, urging, that while the members pleaded Conscience against a Royal Dispensation for violating some statutes, which favoured their interests, they gave themselves a dispensation for others, less favourable to their inclinations; a charge, which, though in the first instance brought only against a particular College, might have been extended to the statutes of the University, its members at large, and the Bishop among the rest; for, at the time, many of those statutes had become obsolete, and of no effect. Taking laws for obsolete, implies a present rejection of them; an habitual disobedience to such as are still in force, no cordial approbation.

'At the Revolution in 1688 the defects in our Universities did not escape notice: the principles on which the new establishment was founded, naturally inclined to a reformation, and ought to have effected one: but the evils, with many others, which concerned the state, were left without remedy. Our Mater Alma Universitas, in a rational point of view, is possessed of vast capabilities, and claims the most serious attention of every upright statesman. She is the *fæcunda propagatrix studentium*: from that tree of knowledge, whether of good or evil, planted by her, the fruits are conveyed into every department of Church and State; and shoots from it transplanted into every part of the island, present their leaves even to the most secret and remote corners. But—"the leaves of that tree,—have they been for the healing of the nation?"

It is said, that Mr. Locke had an interview with K. William on this subject, at the beginning of his reign; and that after observing to his Majesty, he had made "a most glorious and happy Revolution," he added, "that it would all soon go back, if no reformation was made of our Universities;" on which the King confessed, that "there was

* Bishop of Chester.

DISSERTATION.

something in what Mr. Locke said." But a certain Peer, it seems, suggested, that "Mr. Locke was a mere scholar," not, I suppose, a man of the world. And, it is true, he was not: but he was an honest, independent man; he understood the nature of the mind; the instincts, inclinations, and passions of man; the laws of education; and the principles of civil and religious liberty. Such a man was Locke. Such men, and such men only, are qualified to reform States and Universities; and had there been at this time wisdom and principle enough to employ such a person, with other enlightened and upright Commissioners, the mind that conceived the *Essay on the Human Understanding*, the *Letters on Toleration*, and the *Treatises on Government*, would undoubtedly have suggested a plan, not very consonant, indeed, with our present system of restrictions and exclusions, but more favourable to genius and intellect, to virtue, and true religion. It would have breathed more of the spirit of peace and benevolence; and by losing sight of the little views of ecclesiastical time-servers and state-empirics, might have been worthy of the British nation.

This division, then, of the present *Dissertation**, though it set out somewhat hypothetically and cautiously, might have been expressed more generally, and with a tone of greater decision. For the facts stated here, under this second head, may be received as distinct proofs, shewing, that, as our Universities were not originally formed of the best materials, nor established in the most auspicious times, nor confirmed under the most favourable circumstances, they required much subsequent reformation. We are, however, now speaking of the regimen, and economy of the place, not of its literature.

And as the facts so deduced from the commencement of our academical establishment to the Revolution must de-

* See pp. 470, 471.

monstrate that it possessed some original disease, so would the testimonies, which could be produced from that period to the present, that as yet no remedy has been applied. But, for the present, we defer testimonies: for, by the crowding of our pages we should lose sight of our immediate design, which was, to bring this matter within its true point of sight, by contemplating the active exercise of the proper authorities, on the supposition that a reformation should ever be required in our Universities. Whether, when, or by the course of what events, a reformation may be ever promoted, cannot fall within the view of the present times, and as I do not profess to foresee them, so shall I not presume to inquire into them: but that a reformation is required, the preceding facts amply shew, and the testimonies hereafter to be produced will more abundantly confirm.

II. In a machine, which is curious and complicate, though it may not be constructed on the most liberal and best-contrived principles, we may expect to find much of order and proportionate arrangement; and in an institution, where the formation of the human character in the most critical period of life is a leading object, we may look for many wise regulations to preserve good morals; where the interest and honour of the clergy have been much consulted, we may expect, that a sufficient respect has been shewn to the exterior forms of religion, and, where it has been necessary to preserve the due equilibrium of authority and subordination, to meet with a display of much œconomical wisdom: hence many prudent restraints, many wholesome correctives, much liberal encouragement, and many salutary laws. Regularity is the machinery which keeps the whole in due exercise, and the statutes are the hinges on which it turns.

Accordingly, each particular college is here provided with its peculiar laws or statutes, given by its original Founder, or by some visitor, appointed by him, for the

DISSERTATION.

purposes of discipline, for the encouragement of good morals, and the correction of immoralities. Here, to each officer is assigned his proper duties : in some cases of discipline or reformation, the Master acts alone ; in some the Master and Dean conjointly ; in others the agreement of the Master and a majority of the Fellows is required. Several of the old statutes, by the consent of the Society (and some colleges by the statutes themselves possess this authority) pass *sub silentio*; others become obsolete, though never formally repealed ; and being virtually abolished, by a new order of things, they die naturally away. Thus the statutes made in popish times, without any repeal, have no force nor obligation now, by each member's taking a new oath of supremacy, and by the use of the Protestant Liturgy established by law.—Then there follows the Visitor ; and he possesses very great authority : for to a certain extent, he can give new statutes : to him as a virtual judge are submitted, in the way of appeals, all matters of a doubtful nature, or in which any power has been strained beyond its proper bounds, or in which any undue severity of punishment is supposed to have been exercised, or which, in the interpretation of the College Statutes, admits of litigation : and the decree of the Visitor has been pretty generally considered final ; so that even on a re-hearing in a civil law-court, (as sometimes has taken place) the decisions have turned with a deference reserved for his authority. Yet, after all, the sphere of the Visitor is limited as to the objects which it can embrace. For the purpose of any essential reformation an ampler sphere is required ; and in this the supreme Visitor's authority alone (for hitherto I have been speaking only of the local Visitor) can act—that must give the original motion, and direct all its course. In the *form*, in which James II. acted towards Magdalene College, though in an unconstitutional spirit, we may, in some sort, contemplate the principles and authority by which Harry VIII. Edward VI. Mary, and Elizabeth,

severally acted in their reformations; that is to say, by the introduction of a new state of things, which virtually and immediately set aside the old; or by Commissioners, exercising the office of supreme visitators, delegated to them by the proper constitutional authority.

Colleges may be said to be Universities in miniature; and Universities admit of remarks similar to those on Colleges. The former, in like manner as the latter, have their established laws, their acknowledged duties, in reference to members, according to their proper rank, or some specific appointment and designation to office. The Chancellor, and Vice-Chancellor, with the Proctors, Taxers, and Scrutators, the High-Steward, the Caput, and Senate, comprehending the Regents and Non-Regents, and the like, each hath his appropriate place in the regimen and œconomy of the University. Here then, for the purposes of active reformation, there seems an assemblage of power; and there certainly is. Here that power appears to be great; and it undoubtedly is great: for by it not only is the ordinary discipline of the place maintained, literary pursuits are encouraged, public degrees conferred, smaller neglects and offences punished;—but the Vice-Chancellor, as we have seen, holds his regular Court of Law, where criminal causes are tried between party and party, and the Chancellor, with the consent of the whole University, can make new Statutes. Here the work of reformation is seen in the ordinary discipline of the place, moving visibly according to prescribed limits. All the points alluded to here, are distinctly and fully described in the body of Statutes now before the reader, and to dwell on particulars would be both tedious and superfluous. But I beg leave to bring before the reader once again the following Royal Statute: *Cancellario cum consensu totius Academie licebit Nova Statuta ad eruditioris amplificationem et decori et honesti conservationem, inter Scholasticos haben-*

DISSERTATION.

dam, sancire; sic ut ea *his decretis nostris nihil detrahant aut officiant.* Stat. Eliz. Cap. 42, ad finem.

Now though, on first view, the power here permitted and acknowledged seems considerable, yet, on closer inspection, it will be found, and from actual experience it has been found, that it leaves no capacity for any enlarged improvements, any liberal amelioration and reformation; and though it may be sufficient for the current wants of the day, and the occasional duties of the place, yet we see that it is allowed with a most significant and important reservation; that it extends only to what is called in the schools, *accidents*, not to *substance* or *essence*, leaving no room for the exercise of any great principles, which, where things widely deviate from philosophy, are the fundamentals for true reformation. This capacity resides with the primary Visitor alone. The ordinary governing powers, when seen in actual exercise, are but the secondary wheels of a great machine, deriving all the strength which they possess from the primary force, and which can only act to a certain extent. To produce any new unusual effect, the first great power of the machine must set off with new force, and give to the machine a direction entirely new.

Now the authority of the primary visitor has been discussed much at large: it has been seen, that, according to the principles both of the common and civil law, as well as ecclesiastical, it resides in the supreme power, administered by the prince or princess for the time being: but, an English king not being one *qui regaliter regnat*, by his sole personal character, (on the principle which the Greeks call *παρεκπατησιας*)^{*} but in his political, with a parliament,—it may be more properly said to reside with the king, *cum parlamento suo* †: and this idea was so familiar

* Aristotelis Polit. lib. 3, cap. xv.

† Fortescu de Laudibus Angl. Cap. 36.

to our most arbitrary princes (I mean the Tudor and Stuart race) that for what they framed, too much frequently according to their own personal discretion, or the strictly monarchical character, they took care often to obtain the constitutional gloss of an Act of Parliament. Some of our lawyers have had no opinion, or rather a very bad one, of Queen Elizabeth's statutes; but those who think they were not properly ratified, or at furthest, as one expresses it, *only confirmed in the gross*, such must allow, that had they been regularly and completely ratified by Parliament, they would have been strictly constitutional and binding. But to act first, and make the law afterwards, was certainly a crablike movement in politics. It was placing the *posse* of the thing before the *esse*: whereas the reformation of corporate bodies, proceeding by a certain rule, should in some sort be seen, before it is felt. It begins at a settled, visible, acknowledged point, and then only proceeds in a right, regular, constitutional course.

Sentiments similar to these weighed seriously, (and it should seem justly) with many conscientious clergymen, who scrupled to read James the Second's *Declaration* in their churches. It was urged by the king's party, that the principles contained in the *Declaration* were *intended* to be formed into an act of parliament; and that what the king graciously thus proposed to *effect*, it was the duty of the clergy to read. And thus far seems true, that—the church of England being a parliamentary church—the clergy ought to obey the parliamentary decisions; or, if they cannot conscientiously obey, conscientiously to retire. But here arose the question on the other side—How can we read that as a parliamentary church, which the parliament has not yet decided*? This was putting the question wisely, and in

* “It is to teach,” said a conscientious clergyman, “the dispensing power, which alters what has been formerly thought the whole Constitu-

DISSERTATION.

its proper place ; and here, if the clergy who refused to read the Declaration, acted conscientiously, they also acted constitutionally.

But, how did the active powers of the supreme Visitor move with respect to reformation, at the Revolution in 1688 ? and where, according to the principles of the Revolution, does it now reside ?

The active powers of the supreme Visitor were not seen to move at all at the Revolution : so far as simple toleration went, the Prince of Orange had consented, that the Papists in England, Scotland, and Ireland, should be suffered to continue in their religion with as much liberty as was allowed them by the States of these provinces, (the United States) “ in which it cannot (I am quoting the words in a Letter understood to proceed from the Prince of Orange) be denied they enjoyed a full liberty of conscience ; and, as for the Dissenters, their Majesties did not only consent, but did heartily approve of their having an entire liberty, for the full exercise of their religion, without any trouble or hinderance ; so that none might be able to give them the least disturbance on that account.” They further agreed, if K. James should require it, “ to the repealing of all penal laws, provided that those laws remained still in full vigour, by which the Roman Catholics were shut out of both Houses of Parliament, and out of all employments ecclesiastical, civil, and military, these being, as it was urged, necessary for the security of the Protestant religion ; and that by them the Roman Catholics received no other prejudice than the being excluded from parliaments and other public employments ; and that their highnesses also believed that the Dissenters (towards whom the same provi-

“ tiou of this Church and Kingdom ; which we dare not do, till we have
 “ the authority of Parliament for it.” *A Letter from a Clergyman in the City
 to his Friend in the Country, containing his Reasons for not reading the DECLARATION. May 22, 1688.*

sions were to be made) would be fully satisfied when they should be for ever covered from all danger of being disturbed or punished for the free exercise of their religion, upon any sort of pretence whatsoever."

These were the sentiments of the Prince of Orange, expressed before he was called to the crown of England, in a Letter written by Myn Heer Fagel, Pensioner of Holland, May 2, 1688; and on these principles the Revolution turned and was settled.

Now we have already seen, that the employments in our Universities are of a civil nature; and it of course follows, that Catholics, and Dissenters, as such, are, according to the condition, in which matters were left at the Revolution, excluded from them. So far then as conscience was concerned, it afforded considerable relief, by the repeal of certain penal laws; still it was thought that too many things were left as matters of privilege; that the Revolution, therefore, in 1688 was a very partial reformation; and that the Catholics and Dissenters had still reason to complain of many civil deprivations; and, among others, of being debarred of the advantages to be enjoyed from studying in our Universities.'

Where then—to return to the other question—where, on the principles of the Revolution, do the acting powers of the supreme visitatorial authority over our Universities for any purpose of reformation now reside? Precisely where they did. We have had occasion to notice Mr. Locke's testimony to King William, "that if his Majesty did not reform the Universities, things would go back again;" and, also, that in the Declaration of Rights no notice is taken of Universities, except in those more general terms, which relate to all Corporations; the import of which was, that there was no intention, notwithstanding any new face of things, to interrupt the liberties and privileges of corporations, nor to deprive them of their property and possessions. There had been an act similar in principle passed in Mary's

DISSERTATION.

reign: this was in consequence of a petition to the Queen, that notwithstanding the Popish succession, all church-lands disposed of to laymen should be settled on their possessors for ever; which act was confirmed in full Parliament, by the Queen, (Cardinal Pole acting, too, as Legate a Latere from the Pope) by the Clergy, by the Lords and Commons. This act secured the manors, lands, tenements, &c. of all Colleges, Hospitals, all Bodies Politic or Corporate, &c.*. But how far was this act supposed to extend? Was it proposed by it to take away from the proper authorities the right of supreme visitation? Was it designed to prevent such reformations at any future period, in Colleges and Universities, as according to the rules of such visitations, and the public state of things, at the time, might be deemed expedient? Far from it: so far from it, that we find there was an active visitation made at the beginning of Mary's reign; that a reformation was entered on, agreeably to the national establishment at that period; and that a new Body of Statutes was actually prepared for the Universities.

The political measures of the Revolution affected no great principle of the English Constitution; the Bill of Rights being in fact only a declaratory act: it reformed some public abuses, and promoted some public improvements; but it made no alteration in the common, civil, or ecclesiastical law: and, though it secured the privileges and properties of corporations, it took no prerogative from the crown. The supreme visitatorial authority, therefore, over Universities, as over all other corporations, for all the authorized purposes of correcting abuses, and of lawful reformation, was, *punctum stans*, immovable and fixed. This could not have been altered, had King William even wished it. Had he said, "Gentlemen, I leave the vessel entirely to your guidance; you have all your property on board guaranteed by me; you may sail in your own strength and confidence to whatever coasts you please, and to those ports

* 1 and 2 Phil. and Mary, ch. 32.

where it is not your pleasure it should enter, it shall never come. We not only secure to you all your property, but, though we also have a cargo, a great interest on board, we forego every claim; we resign every right to you: we give all the profits, and every expectation, every right of inquiry and investigation, though handed down to us from time immemorial, we surrender every thing to you, your heirs and successors, being of the same religion with you, for ever; and expect no responsibility from you either to my government or me."

It will easily be believed, that neither King William nor any Vir bonus, or minister for him, could ever make such a speech; and for this obvious reason—such words would have been nugatory.

But suppose he had: imagine, further, that he had even subjoined—"Gentlemen, I insure all this to you not only in my own name, but in behalf of all the successors to the crown of England; and the Parliament secures it to you not only for itself, but in the place and on the behalf of all future parliaments." To what would this have amounted? It would have been only plunging deeper in the mire, with fewer means for extricating themselves; only adding a few more words, with a little less meaning; only giving a more ample promise, with less opportunities, and reasons, every day decreasing, for the fulfilment of them: for it is obvious, that no prince, by his promises, can bind his successors; and that no existing parliament can give laws, that are binding on future parliaments.

But, not to multiply words unnecessarily, we may perhaps be allowed to catch something of the spirit of the Revolution in 1688, and to strengthen our language by it. For it may be said to have elucidated some principles, and to have declared them more fully: just as a blazing torch may pass hastily through the avenues of an ancient building, and spread about light, without sufficiently exploring some secret chambers, and not without even terror and apprehensions of the

DISSERTATION.

conductors, so the Revolution afforded some truths, and conferred some benefits: it exposed certain futile pretensions; it restored to a certain extent civil liberty; and confirmed our constitutional principles. But though it was a good step, it stopped too soon. With respect to Universities, it may be said “to have left the Minster as it found it.” For that event did not reach them: if it made any new discoveries, it effected no real advantages. Still, enabling us, as it did, to see more fully the proper boundaries of the Constitution, and the privileges belonging to each part, it authorizes us to speak on them more incontrovertibly; and, also, in conformity to them, to say less ambiguously, that, agreeably to its maxims, then declared, and settled, this right of supreme visitation over our Universities, (to which point only this Dissertation tends) for the purpose of giving new regulations, any essential reformation, and for accommodating it to any recently established state of government, or to any supposable better state of civil society—that such authority still rests where it did, in the king and parliament of the united kingdom. But, as to the discordances which were perceived by the pure reason of such men as Mr. Locke, so at variance with the harmony of states; and those claims on conscience, so inconsistent with every thing sacred in morality and religion—these still remain: the favourable opportunity passed away, like fine weather, in the time of harvest, when nothing is done. The grain was ripe; but those who ought to have reaped, were not ready. The active powers of reformation were rather seen than felt, seen in principle, not felt, never realized in practice.

And here it may be proper to check the reader—(he has been so checked before) from supposing, or myself, if I have led him to suppose, that I have been treating, philosophically, on “the Laws relative to Education.” I have been stating facts, not ascertaining principles. It is a fact, that English Universities are civil corporations; that as such, they are invested with privileges from the legislature; can possess property; may have a public seal; and are subject to

certain statutes and forms, for their government and order; that they are national corporations: these are all facts; and it is a fact, that the authority, which first gave them legal being, as corporations, still remains, and, on proper occasions, in the way of supreme visitation, may be called forth; that the legislature, as guardian of the public interest, without encroaching on the limits of a University's authority, still holds over it an original prerogative, its paramount right of controul; and that as guardian of the public interest, it is its duty to regulate such a corporation, for the happiness and utility of the commonwealth. These are all facts. Had I been speaking of Universities, and the Laws of Education, according to Nature and Science, I have a few sentiments on Universities still reserved, somewhat in harmony perhaps with Adam Smith, in his **WEALTH OF NATIONS**: and certainly I do not think with Montesquieu, that the *Laws of Education*, (though it is a fact, often a too serious one, that they do) ought to relate to the principle of Government; a maxim, which would defeat the aim of the best political writers on Education, and confound that as a monopoly, which ought to be left free, in a Republic of Letters *.

III. I proceed next to consider what there may be supposed to be in the present Constitution of Universities, which seems to require reformation.

And here, perhaps, the writer may be allowed to acquaint his readers, that more than 30 years ago he was encouraged by several gentlemen of Cambridge to undertake an **INQUIRY** into the Nature of Subscription to the 39 Articles, it being understood that he had turned his thoughts more particularly that way; and that the work led him into a wider field than he was at first aware of, comprehending a variety of particulars, which concern that learned body. This circumstance led to something more of familiarity than he should otherwise have had, with a few topics, which now

* See Mr. David Williams's *Lectures on Montesquieu's Spirit of Laws*.

DISSERTATION.

force themselves again on his notice, so as to occasion at present a feeling rather of delicacy, than of difficulty. The delicacy of the subject he feels in a very high degree—partly from his own incompetency; and partly from an unwillingness to give pain to any good man, or to afford him an occasion of censure. The reader has already been told how insensibly, and without design, the present work arose: he is now further informed, that he has already found his punishment in his own feelings: but he thinks no one has a right to censure before he reads; nor to condemn before he suffers himself to comprehend the writer's entire views.

To counteract, in some sort, his own feelings, and to guard against, if possible, the imputation of too much vanity and presumption, the reader is further informed, that the narrative must be understood to proceed now as much, or more, according to the sentiments of others, than in *propriâ personâ*. The vouchers for what follows will be, men, who were acting members in the University, men of considerable abilities and of acknowledged integrity, or, at least, were of some rank in the literary world, and once members of that learned body: and, though it may not in every instance be necessary to refer to the particular persons, or the particular page of a publication, the reader who has perused the preceding pages will stand in need of no directory.

1. The first point to be noticed here concerns obsolete statutes, that is, such statutes as in act have no force, though in theory they still bind.

And here I do not propose to touch on those things, which come within the reach of particular colleges, the powers of the University, or the authority of the local visitor. What concerns the expenses or any immoralities incident to the place, the fashions of dress, the modes of education, in short, all that belongs to the more peculiar province of academical governors and reformers, any further than it appertains, also, to the public statutes, falls not within our present contemplation—yet I cannot pass without cheer-

DISSERTATION.

509

fully acknowledging, that in several particulars, of this description, there have been within these last 50 years many improvements introduced. Though the forms of matriculation continue the same, the terms for the admission of students are not in all cases so rigidly enforced; public examinations, particularly in the larger colleges at Cambridge, have been promoted; some injurious exemptions and indulgencies of the higher ranks of undergraduates have been discontinued; certain professorships have been rendered more effective; some useful lectureships have been read; certain absurd scholastic practices have much given way; and, in several respects, the plans of education in both Universities have been somewhat liberalized. These are permanent benefits: these shew that in an inquisitive, enlightened age we may expect something good; and they reflect honour on the promoters of them.

Still the greatest admirers of our Universities, who, on "surveying the fine Public and College Libraries, the professorships with liberal stipends, the spacious, airy buildings, the commodious, retired apartments for students, the gardens and groves, the classic walks and agreeable retreats, the venerable antiquity of the places, with the many eminent men who having proceeded from them naturally inspire the young student with a noble emulation—think no places in Europe so well adapted to a studious life as these famous institutions," even these gentlemen admit, that some things in them require reform *. And these *some* things are not small. In the affairs of human life, good and evil are wont to be intermixed. But it belongs to superior wisdom and power to over-rule the whole for the public interest. In the same manner as in a musical instrument of the finest tones, and constructed on the most scientific principles, there will be, there must be, some discords; but all discords need not end in dissonance; and it becomes those whose business it is to

* See Dr. Knox's LIBERAL EDUCATION, Sect. 39, and Dr. Parr's SPIRITUAL SERMONS.

tune instruments, so to distribute the discords as to produce as much melody and harmony as possible; and by vibrations well-proportioned to produce complete concord. So the variety, which necessarily must exist in universities should not only conspire to produce peace among themselves, but assist the national harmony, should produce, if I may so speak, constitutional consistency. But—to speak to what was proposed.

These Statutes and Charters, then, are of a two-fold nature; one relating to Colleges, the other to Universities; both in this respect having a certain analogy with each other, in being made at different times, Popish and Protestant, and under different circumstances, of customs, literature, and religion; and both so heterogeneous, as to be incapable of being brought, at any given distance of time, into a bond of friendship, and of being considered as one family. To speak less ambiguously, some of these Statutes are illegal and unconstitutional, some, though practicable, are not enforced; others are wholly unpracticable; some, if even reduced to practice, would appear indecorous, and those who complied with them disreputable; others are absurd, and more than one contradictory to another, and absolutely unintelligible: so that, taken all together, they may be considered, “Tohu Vabohu,” *a mass without form and void.* This has been the judgment of several learned gentlemen of both Universities.

Now I shall not overcrowd my page, nor presume on the reader's indulgence, by producing, uniformly, how easily soever it might be done, examples, and positive proofs. I shall content myself with appealing to the testimony of two learned gentlemen many years since of the University of Oxford; one, if I mistake not, a Tutor* in one of the Colleges, the other (1726) a Principal†, and both attested by a

* Mr. Amherst.

† Dr. Newton, Principal formerly of Hertford College.

modern ingenious and sensible writer, now living, a Doctor of Divinity of the same University *. This subject is pursued through several pages in a work well known; and in addition to these I must add the testimony of a gentleman of the law, formerly a member of the other University: the latter observes—after giving at full length, the Statuta in admissione Inceptorum in Artibus, (Masters of Arts) legenda, ad quorum observationem singuli tenentur virtute Juramenti—“ that the times and circumstances are so altered, that it will appear this oath, which consists of nine paragraphs, cannot even by the best men be observed but in one or two at the most †.”

Now—were such Charters and Statutes to be viewed simply as scraps of history or fragments of antiquity, we might consider them with the same curiosity, with which we examine an old coin; and with the same indifference, with which we consult an ancient manuscript. The matter is here very different: they come to us in serious form; they make rigid demands; they bind us to solemn obligations; and, where reason and conscience are called into exercise, mere curiosity becomes folly, raillery would be impertinence, and indifference a crime.

These Dissertations are not intended to form a string of railing accusations; nor does the writer mean to question the sincerity and integrity of the many learned men, who, by their public acts, have given countenance to this system; nor to dispute the grounds and reasons, on which they have satisfied their own consciences. Let the truth be mixed with candour; let us admit that deference to the supreme authority—that a respect to the piety of those who directed these measures—(of which, however, more is generally believed than would, I fear, be found true) that the habit of be-

* See this subject pursued, through several pages, in Dr. Knox's Essays.

† See Mr. Serjeant Miller's Account of the University of Cambridge.
1717.

DISSERTATION.

lieving what is customary may be suffered to pass as a formality—that with a conviction of general truths, and of an obedience to reasonable obligations, we may dispense with particular exceptions, with unreasonable, impracticable demands—that all corporations must be bound to some laws—and that innovations are often hazardous, sometimes even dangerous—and, that what was given and sanctioned in the gross, may be so received and tolerated. Add to these considerations, the persuasion, that however many good men might wish a change, (and many have devoutly wished it and no doubt still do) yet as individuals they could not begin it; and that the whole University, without the assistance of the Legislature, could not effect one, that would be essential—that they have authority only to steer the vessel—but that others must freight it, and direct the port, to which it should sail. Let us suppose that arguments, derived from these sources, and from higher, if higher we can conceive, have had their weight on many honest and good minds.

Still let the circumstances of the case be as strong as they may be, the evil remains in all its force. It has, no doubt, perplexed and disturbed many conscientious minds; not merely from a sense, however reasonable and just, of any personal interest; nor from a love of literature, however laudable and honourable; but from a feeling of a purer, higher kind, the love of truth: in the present state of our Charters and Statutes, they consider the practice of a very serious tendency. Believing, that the human conscience is held, as with a golden chain, by the principles of morality and religion; and, that what impairs our natural sentiments and sensibilities tends to dissolve the tie; to leave conscience at large, and without restraint;—thus believing, they think that our received practice ensnares, as by a secret trap, our unsuspecting youth; festers and shackles their minds for future exertions and capabilities, as with screws and fetters; and that the evils introduced into society at large are incalculably great. Hence it is, we may presume, without the danger

of a mistake, that several who have passed through the University with credit, choose to come away without honours; that some who have taken a first degree have not allowed themselves to take the second: for a similar reason, a late Chancellor refused, on being appointed to his high office, the customary compliment of a degree of LL. D. On looking into the book of Graduates, it will be found, that many who took the degree of A. B. have never proceeded to that of A. M.; some, no doubt, for very good reasons, and contrary to their wishes, because much against their interest.

It has been lamented by many serious persons, that this subject has hitherto obtained so little attention from our legislators; and that nothing should have been done on their own motion and authority, to remove these obsolete statutes, and introduce others more agreeable to our laws, more congenial with the existing manners of society, and more in harmony with the present state of literature in our Universities: the best apology, the most reasonable pretence, for which (oversight let me call it) they have thought must be, that the inconsistencies and imperfections of such Statutes have been very sparingly examined, and, perhaps, never, in their full extent and magnitude, laid before them*. Otherwise, amidst the several less (though they have not been small) improvements, made even within our memory, this greatest of all could not have escaped their notice; and that academical institutions should have practicable, rational, and good laws, which may influence the consciences of youth, and of intelligent members drawn from all orders in the community, is, in the judgment of such serious persons, of the greatest importance.

* The motion, and most curious debates on that motion, in the British senate, in 1772 and 1773, related only to the subscription to the 39 Articles, in consequence of petitions from various clergymen, (including also dissenting ministers) masters of arts, and doctors of divinity, physic, and law, in both Universities. See, *A Chinese Fragment*, anonymous, but written by Ely Bates, Esq.

DISSERTATION.

Some who have discussed the subject of oaths, have maintained, that according to the strict letter of the New Testament all oaths are unlawful for true Christians *; and without now inquiring how far such opinion is well-founded, the practice and doctrines of the primitive Christians seem to favour it. "I am a Christian," appears to have been their only oath, which was at the same time a testimony to their principles, and often the act of signing their own death-warrant †. St. Chrysostom's *Homilies* are full of Testimonies *against* oaths; and in one, where he has been speaking against abstinence from food as of *less consequence than abstaining from oaths*, to avoid being taken up too short, he explains himself, by speaking (using the words of Christ) against *swearing at all* ‡. And some enlightened and *virtuous Heathens* have countenanced the same opinion §. But be this as it may, (for these matters shall not be insisted on now) no heathen nation ever had such oaths ||

* See Barclay's *Apoloagy for the Quakers*, Prop. xv. Many Christian Societies, both ancient and modern, have not allowed themselves to take oaths. See Robinson's *Ecclesiastical Researches*.

† Epist. Circularis de Polycarpi Martyrio, X. It may be said, perhaps, that such-like oaths only relate to swearing by the *Genius of Cæsar*; and that oaths administered by the lawful authority, with a right end, and with the *awful name*, may be defended from the New Testament. My argument does not require me to go into the subject, and the reader is referred to the Commentators on the New Testament, Whitby, Hammond, Grotius, &c. who have discussed this subject.

‡ Το μη φαγετον ου κιχωλυται, το δε ομοσαι κιχωλυται——τη δε επδομης ταυτη το μη δολως ομινυται κατορθωσαντις. Johannis Chrysostomi Homilium, &c. Ed. Harmari, p. 87.

§ See their testimonies as produced by Barclay as above, Prop. xv.

|| These oaths, on many accounts, may be called *party-oaths*, and are very different, in my humble opinion, in several respects, from the *patriotic oath*, taken by the Athenian youth, quoted by Stobæus: Serm. 41, p. 243. Ed. Lugd.: as applied by Bishop Warburton to what are called *Test Oaths*, I hope I may be allowed to say, I have shewn elsewhere, it was very different. *Inquiry into the Nature of Subscription to the 39 Articles*, 2nd edit. p. 119; and, I think, it might be proved that the *Athenian oath* was essentially different from those *party oaths* required in our Universities. I have said, in the text,

enleagued to such laws, as are now alluded to; neither could they, with any arts of sophistry, have defended them: nor can such oaths, however sanctioned by custom, or fenced by authority, among us, be supported on any strictly rational and moral principles. Were we playing comedy-fancies, indeed, we might go off the stage with the lover's plea—

————τνς εν ερωτι
Ορχου; μη δυνειν οντα' ος αθανατων.

But we are acting true parts; and, without defining, or scrutinizing into, the nature, extent, or obligation of our oaths, we are pointing to the Statutes: these should be contemplated as realities, and spoken of with real feelings; as evils, which if the legislature introduced, the legislature should remove; if it did not, it has one more reason for abolishing them, as being illegal, unconstitutional formalities.

It is observed by one of great authority with us*, that

that no *heathen* nation ever had *such*,—let me add—*so many* oaths, as our Christian; and the reader may not dislike to hear the words of the great Erasmus: Revolve priscorum annales; quando comperies tantum fuisse ius-jurandi, quantum nunc est inter Christianos? Et ubi plus perjuriorum? Ju-randi finis nullus est: jurat, &c. jurat, &c. jurat, &c. Excute juramenti articu-los, et videbis jurisjurandum non minus esse ludicum, quam est eorum qui suscipiunt professionem septem artium liberalium, aut juris, aut theolo-giae—at lingua dirumpit hæc omnia vincula:—and much more in the same serious and pungent style. Vid. Des. Erasmi, *LINGUA, sive de Lingue Usu, atque Abuso.*

* The whole passage reads thus—“Rursus in moribus et institutis Scho-larum, Academiarum, Collegiorum, et similium Conventuum, quæ docto-rum hominum sedibus, et eruditionis culturæ destinata sunt, omnia pro-gressui Scuntiarum adversa inveniuntur. Baconi *Novum Organon*, xc. Agreeably to this, he says, elsewhere, and wisely, addressing James I.—Etenim inter Majestatis tuæ Canones prudentissimos, illum invenio, “In omni consuetudine vel exemplo, Tempora spectanda sunt, quando primum res cœpisse: in quibus si vel confusio regnaverit, vel inscientia, derogat illud im-primitis authoritali rerum, atque omnis reddit suspecta: Quamobrem, quando-quidem Academiarum Instituta a temporibus hisce haud paulo indoctiori-

DISSERTATION.

"every thing in our academical institutions is found adverse to the progress of the sciences;" an observation we may say, made many years ago—Granted. But were there not a tendency in the human understanding to burst all unnatural restraints, as in the human body, to throw off the effects of repletion, this would appear, even still, most emphatically true. But our oaths, and our statutes, those ancient barriers to inquiry, are, happily for literature, soon, and without remorse, easily left behind. The mind, when in earnest pursuit of truth, must proceed unshackled, and will defy our boundaries. When Reason asserts its prerogatives, Nature *will* take its course, in the same manner as water will find its level,—and as a due proportion of heat and cold creates a necessary poize or equilibrium in the atmosphere. Compare our schools, our lectures, our professorships, with the public exercises enjoined on them by our statutes: how is every thing at variance! *The places that knew many of them, know them no more for ever!* Conscience has no feelings about them; nor is there even left to her room for the discharge of her duties. For such-like matters the time, in many respects, is *past*, and will not turn back, because our statutes *stand still*. Science knows no law but eternal truth; the mind no limits but its own capability. There is reason to believe, that the cause of virtue has been more affected by these statutes, than the cause of science.

But what statutes *could* do, they *have* done. *They might*, and in some respects *have*, retarded the course of science*; they *did* prescribe the books to be read, and the

bus, eo magis convenit, ut examini denuo subjiciantur. *De Augmentis Scientiarum*, Lib. ii.—Do not these words apply equally to our times as to Lord Bacon's?

* What was the reason that the University of Oxford suppressed and degraded the *Essay on the Human Understanding*, by Locke, one of her own sons?—(he was of Christ Church)—It was contrary to the *Philosophical*

order in literature that was to be pursued. But science keeps a pace slow, yet sure. There were some eminent men of that period, who had been, so to speak, long confined in a sort of Philosopher's* Cave, accustomed to see only shadows of things passing, as it were, on a wall before them; but who, being drawn out, and beholding the sun, received a pure light, obtained a clear vision; and the light which they admitted they dispersed around: many great men, who were before the revival of letters, were such persons. Other great men arose afterwards, who may be said never to have been confined and shackled in that cave, but accustomed to move at large, and to behold realities. Bacon, Newton, Locke, were such;—and in their presence the Statutes were nugatory.

Human philosophy would not be stopped; but it should seem, as though the contrivers of our oaths and statutes were determined to retard the progress of *divine: morals* they enfeebled, and they shackled theology; and the injury that was done them, Truth and Benevolence, could they assume a human form, might blush to see.

Faith. One of the Oxford Statutes runs, it seems, thus: *Aristotelem similiter, totamq. Peripateticorum Doctrinam pro virili defendere teneantur*, Stat. Tit. 6, Sect. 2. This clause, I suppose, Dr. Newton, before mentioned, quotes from the large Body of Statutes; as it does not occur in the *Parecbolæ* or *Excerpta Stat. Oxon. published 1705*: but as the extract there lies, it reads strong enough—“Aristotelis Metaphysica legat, textum, quoad fieri potest, delucide exponendo, et quæstiones Metaphysicas, quæ apud Scriptores antiquos et modernos agitantur, prout e textu Aristotelis emergunt succincte ventilando. Dr. Newton, speaking on this and other Oxford statutes, observes, “Whilst our education continues in this state, it is impossible, that truth, or knowledge, or learning, should increase.” It was fortunate both for Cambridge and Oxford, that when the Statutes were given, the Cartesian philosophy had not been broached—for Des-Cartes was not then born; otherwise, (for some time previous to Newton, the Cartesian philosophy was generally received in the schools) there would, no doubt, have been a statute provided to make that the law for philosophy in both Universities.

* See Plato's admired *Vth Book, De Republica.*

DISSERTATION.

Had the opinion of such a man as William Penn been asked on this subject, or should it ever be asked, (Penn had well considered matters of this kind) he perhaps might have said—“ We have no personal interest in such things : we are not ambitious of either a church or state*—comprehension ; but as friends we will give our sober advice. Let your Statutes follow the genius of the English Constitution, and preserve the balance of religious opinions among the Sectaries. In literary transactions our friends would use no paper-money ; but if ye choose it, see that the characters on it do not invite or admit fraud : and, if your specie is worn and almost effaced by time, get a new coin from the proper mint ; let it wear the image and superscription of the reigning times. Our friends care little for your *Lion*, or your *St. George and the Dragon*; but they are well-wishers to *Britannia* ; and they would be pleased to read your motto, ‘ *fiat Justitia*,’ or ‘ *Veritas prævalebit*.’ ”

There was an order of persons wisely appointed by the ancient Athenian government to inspect the laws every year, in order to correct what were found contradictory, and to supersede what were useless†: and we may take a hint on what concerns our University-Statutes from our own ancestors.

Our University of old time possessed its *statuta antiqua*‡. But, besides, in the reigns of Hen. VIII. Edw.

* The Founder of Pennsylvania, to whom an allusion is made as having been a member of the University of Oxford. See his most wise Treatise, entitled *England's True Interest considered, with Honour to the Prince, and Safety to the People*. 5th Edit. 1705.

† Εἰ τις αγαγεγράπται νομος εὐαγγίος νομιώ, η ακυροῖς εν τοις κυριοῖς, η εἰσῶν εἰς νομος πληνους ενος αγαγεγραμμένος περὶ εκαγῆς πραξεως, &c. *Oeschines contre Clesiphon*. p. 34. Edit. Taylori.

‡ A Complete Collection of the Cambridge Statutes was printed in 1785; but, as it appears to have been made for the use of the Public Library, and two or three of the University-Officers, and a copy could not, I apprehend, be procured, it may not be improper to state the order of them, which, I think, is as follows: *Statuta Antiqua—Statuta non in ordinem redacta—*

DISSERTATION.

519

VI. Mary, and Elizabeth, it had its peculiar Statutes, better adapted, as was supposed, to each period respectively, consisting in part of certain of the old Statutes, and others more specific and appropriate. Our old Statutes, too, were less in number, more clear, for the times, and less perplexed, as to the matter, than even the present: nor were they encumbered, as the mass of things, imposed by Elizabeth and James are, with disciplinarian forms and doctrinal verbosities*.

Yet the ancient Statutes were considered in Edward VIth's reign, with respect to those times, as "semibarbara," et obscura, et propter vetustatem plerumq. non intellecta †; and, accordingly, many new ones were introduced by the royal authority. And should not Queen Elizabeth's, according to nature and right reason, be treated in the same way? Did not she herself take such liberties with those of her predecessors?

Statuta Regis Henrici 8^{vi} Statuta Regis Edw. 6ⁱⁱ Statuta Reginaldi Poli—Statuta Reginæ Elizabethæ, primo Regni sui Edita—Statuta Reginæ Elizabethæ duodecimo Regni sui Edita.

* The oath taken by scholars on their admission was after the following form: "Jusjurandum a cunctis et singulis scholaribus suis aetatis quatuor decem annorum et supra existentibus infra terminum accessionis hic ad Universitatem accipient; videlicet, de obedientia praestanda Summo Cancellerio," &c. I have not copied the remainder, but apprehend it runs somewhat in the same strain as the following:

De Juramento Baccalanrei.

"Item Statutum est, quod omnes et singuli statum baccalaurei in qualicunq. facultate assumentes jurent, quod Statuta, privilegia, et consuetudines approbatas istius Universitatis pro viribus observabunt, et, quantum in eis est, observari procurabunt, et contra statuta, privilegia, et consuetudines approbatas, minime appellabunt, nec hujusmodi appellantibus consilium auxilium aut favorem praestabunt. This was administered by one of the Praetors: Idem juramentum quod praestent omnes Licentiandi in sua admissione in quacunq. facultate, et etiam omnes solemniter resumentes, ac etiam omnes in quacunque facultate Lecturi ante quam legent.—I have no the Statute-book at hand while this sheet is going through the press; but it occurs to me that the oath taken by a Theologus was more specific and theological, about attending Missas, Exequias, &c. Stat. Ant. 114.

† Introduction to Edw. VIth's Statutes.

DISSERTATION.

The circumstances in our Universities being now greatly altered, new expedients are required; and a different turn of thinking in the nation demands a different application of them. Laws should keep pace with our manners; so only can they be consistent with nature and the state of mankind. When the wind shifts its corner, the vessel must change its direction; when a river alters its course, our banks and our sluices must be differently placed: man changes his dress and his food according to the different climates under which he lives, the different stages of his existence, and the different seasons of the year; and physicians alter their prescriptions according to any change in the constitution, and the mixtures or different appearances of diseases: and no rule of common sense is clearer than that of Montesquieu, with regard to manners; that “when men’s manners change, their laws also should change.”

Laws which are to affect the conscience, and relate to the understanding, should be more strictly referrible to nature and right reason than any other, if one law should be more natural and reasonable than another. For the human conscience, like the sensitive plant, in this respect, does not require handling, to be put in motion, and certainly is of a nature too delicate, and susceptible, to be treated very royally and authoritatively. The human understanding is, also, variable, improveable, very proud, and very powerful; too ample in its range, too lofty in its aspirations and measurements, to be determined by left-handed, short-sighted statutes.

All statutes are perpetual rules, as long as the authority which has established them has discovered no intention that they should be abolished. All laws, therefore, that are useless, or prejudicial, should be cancelled: for it is equally absurd in theory, as fatal in practice to society, to pretend that laws once made should always subsist, however inconvenient they shall be found.

It is not deemed necessary to slice our present Statutes

into small portions, in order to point out, by examples, particular defects: but the body is laid entire before our readers, that they may judge from the whole. Every member of the University, and no less every member of the British Senate, ought (how little soever it is now known) to be acquainted with its contents; which, taken together with our College Statutes, will shew, how far our practice accords, or can accord, with them, and how far they are, in their present state, adapted to modern times.

“The revocation of laws (I am using Burlamaqui’s* words), may be made two ways; either *expressly* or *tacitly*; for when the Sovereign, well instructed in the nature of things, neglects, during a long space of time, to make a law observed, or when he permits formally the affairs which relate to it to be regulated in a manner different to its disposition, there then results a sort of presumption, that such law is abolished, which falls, as it were, of itself, though the legislature has not expressly abrogated it.” These remarks are most true, but exclusively applicable only to laws, where simple disuse is implied, without any further requisition; but not where a law, while it is suffered to fall into disuse, is still bound upon us by an oath: it may be dead, as to itself, in effect, but it is bound on a being that has life; it is tying a dead body round a living man; forcing a duty—which, after all, may be impracticable—out of our punishment. All the wisdom of the legislature cannot compromise these matters; all the subtlety of the Schools cannot untie these knots: there is no medium; the knot should be cut asunder, by either abolishing the oath or the statute, or perhaps, better still, by abolishing them both together.

It not being pretended that these Statutes were ever expressly or formally *abolished*, it is not necessary to say any thing on the subject.

* *Principes du Droit Naturel.* Partie premiere. Chap. x.

This resemblance, however, would be less in power and privilege than in form: even in the form there are some essential differences; and in its power the difference, in my humble opinion, would be still more essential.

That essential difference (to notice only that one) consists in the mode of proposing a Grace, as it is called, corresponding to a Bill in the British Senate. Each House of Parliament, we know, has its peculiar privileges;—each House can originate a Bill, which must be read, and approved, three times in each House, before it can go to the King, and pass into a law. And one most peculiar privilege of the Lower House is, that it cannot merely originate bills in general, (in common with the Upper House) but can only originate those which affect their more immediate vital interests, as the representatives of the people. It will be seen, this allusion is to *Money Bills*, which the Upper House cannot only not originate, but must not, in the smallest degree, alter. This is deemed an essential privilege of the House of Commons.

Now, on perusing the Statute *de Capite—et de ejus autoritate* (*Cap. 41*) we find, that the Non-Regents and Regents are not only without the *particular* privilege, but even without the *general* one. They are incapable of originating a single Grace. Every Grace must have the *consent of all the Caput*, even before it can be *proposed* to the Senate. So that the whole power of making laws for our Republic lies virtually not in the Senate, but in the Caput. True it is, that individually, each member of the Caput is also a member of the Senate; but that makes no difference; it is as a *Caput* they act, as a Caput of six, independent of the whole body, and even, as we see, with a full controul over it.

This, by many members of both Universities, has been considered an inconvenience, and felt as a serious evil. They have asked whether a body of learned men, composed of Doctors in the different faculties, Masters of Colleges,

DISSERTATION.

Tutors of Colleges, and Professors, are not likely to have wisdom enough to know, and to know best, their own interest, and ties strong enough to bind them to the general interests, the interests of the University? This stopping a question in the Caput, they think, is like cutting off a stream at the fountain-head, or preventing the vital fluid from taking its course through the animal body; that it is political death. Certain it is, that many excellent men, after nursing wise, benevolent, and pious plans in their own bosoms, have never ventured to bring them even to the shape of words, from a well-calculated presentiment that they would be strangled at their birth—that they would not be suffered to come before the Senate *; and they, accordingly, from the certainty of a failure, have thought it fruitless to make experiments. They have perceived that the powers of the Caput draw off, as it were, the privileges of the Academical Body, in the same manner as a *præternatural* protuberance absorbs the juices, and exhausts the strength of the animal body; or as certain plants, by their *juxta-position*, and powerful influence, will stop the growth and fruitfulness of some trees.

This paralyzing power is thus expressed in the Statute *de Capite*: *Horum autem authoritas est, in omni Senatu, et Congregatione de omnibus Petitionibus prius decernere, quam ad Senatum deferantur; ita ut illæ solæ Gratiae approbentur, et Regentibus et Non-Regentibus proponantur, in quas singuli eorum consenserint: et si quicquam in Senatu petatur, aut concedatur, quod non sit prius istorum judicio et consensu comprobatum, nullum erit omnino et invalidum, nisi his nostris Statutis aliter cautum sit.*"

* The Grace offered in 1771 by the late Mr. Robert Tyrwhit, of Jesus College, so distinguished by his worth and abilities, for the abolition of subscriptions at the time of taking degrees, was stopped in the Caput. See Gentleman's Magazine, Vol. XLI. p. 263. One also proposed Dec. 7, 1787, by Dr. Edwards, and I think one offered at Oxford, a few years before, met with the same fate.

Such a power is *certainly injurious* and most *unreasonable*; though, I own, I do not see why Dr. Jebb, a very intelligent and spirited person, should call it *arbitrary* and *unstatuteable**, seeing the *Statute of Elizabeth* gives the Caput that power in full force and form; unless, indeed, he speaks (as I suppose he does) in reference to some ancient Statute, or to the tendency and import of any resolution, passed by the House of Commons, (of which notice shall be presently taken) concerning any Grace, which he supposed militated against one, which he deemed of the greatest importance.

When gentlemen speak of our Academia as a Republic, they would not be supposed (nor would I be supposed) to have in their eye a Democracy, at least those ancient democracies, which rather exemplified the *passions* of a rabble, as influenced by demagogues, than a system to arrive at public opinion, and to express the public will; so arranged, as to produce reason and virtue, to keep alive public liberty, and to promote the public happiness; principles, as an ingenious writer well expresses it, equally susceptible, producible, and of equal force, “as those which actuate the mercenaries of a profligate and ambitious prince†.”

Here I think I perceive the ground on which rested the remark of a learned gentleman of Cambridge, which I heard him once express, “that our Universities would be the last institutions to admit improvements.” For the honour of literature, may it not prove true! But, can we conceive, that a great spirit of reform may readily pervade a Body, where such an enormous power is lodged in so few

* “The measure has been defeated by the arbitrary and unstatuteable interposition of the Council of Six.” *Jebb's Works, Vol. I. IVth Letter*, addressed to the Gentlemen of the University of Cambridge, &c.

† See “*Lectures on Political Principles, the Subjects of eighteen Books of Montesquieu's Spirit of Laws.*” By Mr. David Williams. *Lect. III.*

DISSERTATION.

hands, like a small cog, which, if it can give motion to a mighty machine, can also effectually stop it, and suddenly? We may not suppose it, till some change is made in this respect: till either the proper authorities abolish this power; or till the power stops of its own accord, suffering its exercise to lie dormant, with other obsolete statutes; or till it, on a sober presentiment of public opinion, sinks itself, as it were, into the wishes of the majority: till then, however visionary any measure may be for the good of the Senate, and the University at large; however honourable to literature, or favourable to virtue and religion; however useful to the state; however consistent with the principles of the British Constitution; though the measure should be “*omnibus suis numeris absoluta,*” still it may be stopped! contrary surely to the principles of a true republic, or at least to that form which Aristotle pronounces the best*; and essential to that power, which is deemed the great privilege in our mixed monarchy†, or British Republic, the English Constitution.

It must indeed not be overlooked, (for the Statute provides) *eligendos esse illos, qui propter Cognitionem, Gravitatem, atque in rebus gerendis Prudentiam et Fidem, Caput Senatus merito appellari solent.*” Nor is it meant to

* Ενιοις μεν λεγουσιν, ως δαι την αριστην τωλιτην εξ αποσωτηριας των πολ. την μημεμενην. and again: Βελτιον ευη λεγυσιν οι τωλεους μηγνυτεις η γηρ τη πλευρη συγχαριτων τωλιτην, Βελτιον. De Repub. Lib. II. Cap. 6.

† Mr. Hobbes, I am aware, speaks of a *mixed monarchy* as a non-entity. De Cive. Cap. 6. But this book was dictated by that great man's *passions*, rather than his *prejudices*, and, it is to be feared, though it establishes some truths, betrays much inconsistency, if not insincerity. In speaking of our mixed Monarchy as a Republic, I have but conformed to the language of our old, and best political, writers. One of our Greek Professors, so well known in our History of Greek Literature, Sir William Smith, afterwards Secretary to Edward the VIth and Queen Elizabeth, published a valuable, though now scarce, book, with this title, *De Republica Anglorum*, 1583; to which I am indebted for an excellent passage quoted in my, *Four Letters on the English Constitution*, p. 112. 9d edit.

insinuate, that, as well from the mode of appointment, as from the offices and characters of the gentlemen to be chosen, the election will not preserve a general correspondence with the description. But, not to say, that in all statements of this kind some allowances must be made for generalization, can we suppose, that in these six, selected with whatever fidelity and care, there will be more of those qualities required in the settling of a serious question, than in the whole senate besides? The Caput, we know, of any particular year, sink into the Senate the next; and from the very condition of the gentlemen, of whom the Senate is of necessity composed, there must always be in it a greater *aggregate* of knowledge, gravity, and prudence, as well as talent for business and good faith, than there can possibly be, (whatever personal respect may be due to each of them individually) in only six detached members of it. Besides, while man is man, he is liable to be mistaken in his judgment—though his errors may be innocent, and his prejudices, however unfortunate for himself, and dangerous to others, may be only to be lamented, but cannot be prevented or over-ruled. He may act wrong, too, from motives, which incline him to consult his private interest or expectations before the public good. No attempt, so inviolous and precarious, shall here be presumed upon, as to give particular examples. Certainly not. Men are not always competent judges of each others motives, whether they are conscientious, corrupt, or mixed: but a general opinion may be hazarded without the danger of a mistake—that influence, corrupt influence, may easily reach the few, where the many could not possibly be affected by it.

English Universities must always be an object of consideration in the view of government; and the minister of the day find his account in their interest and support. A University, also, will, proportionably, find it their advantage to follow the measures of the minister, and to gratify his

DISSERTATION.

wishes: and it will be happy (and so every thing may be honourable) when the real convictions and principles of gentlemen correspond with their professions and services. That for preferments many are indebted to their political friendships and alliances, is a fact so well known, as to require no elucidation*.

Suppose a case, which affects the Caput and Senate. A gentleman wishes to offer a popular Grace, that is, one likely to interest the majority. It shall be perfectly constitutional. Surely he who offers such a grace should be permitted to take the judgment of this assembly of learned men: but no—it is not agreeable to government, which here means the political views of the minister of the day. He wishes to have it thwarted. Now, who does not see, from the number of the voters in the Senate, that his means, though great, are not ample enough to corrupt the Senate, and to secure a majority? But, were his means even less, they would be more than enough to influence the Caput. This Council being only six, and most of them of a profession capable of church-preferment, and of an age ripe and ready to receive it, being, moreover, visible and prominent objects, which the eye of the minister can easily take in, such a body may readily come within the reach of his influence. Indeed he need be sure but of one vote; for one negative would as effectually stop the Grace as the veto of the whole Caput†.

* The learned Dr. Pearce, formerly Bishop of Rochester, (in the Memoirs of his own Life, written by himself, and prefixed to his works) pleasantly enough tells us, when he first waited on Sir Robert Walpole, the minister addressed him in some such way as this: (I quote from memory) "Well—Dr. Pearce, I perceive you want me to serve you;—but I must first know, how you can serve me," &c. This matter not relating to the University, is only mentioned incidentally.

† It will be seen, by consulting the *Debates* of the House of Commons for 1772 and 1773, that the Petition of certain Clergy and Laity for relief, in the terms of subscription, was strongly opposed by the Minister, and the bill introduced by Sir William Meredith was lost. It is natural to sup-

It has been observed, that there never was a good government which did not consist of the three simple species of monarchy, aristocracy, and democracy*; that in all such governments there have been assemblies, in which resided the power of the whole nation; and, that a democracy can only suit a *small town*. Be this as it may—of those forms there are numerous diversities: and, as in all human contrivances there are degrees of good and evil, so in different policies there are different shades of liberty, of which the measure will be, the manner in which the legislative assembly is constituted and conducted, for promoting liberty, virtue, and public happiness. It is, therefore, essential to every Republic and every form of polity approaching one, to establish the right of suffrage; and what ever checks that, throwing us back into the arms of aristocracy, or despotism, destroys every idea of a Republic. Hence the five officers called the Ephori, chosen from the people, were experienced to be a serious evil, and are greatly censured by Aristotle as an inconsistency in the Lacedemonian Constitution, and indeed as the ruin of it †.

The tribunes, those two, afterwards ten, officers, chosen by the Roman people, with a power similar to that of the Ephori, and immediately for the protection of the people, found in that power the means of their subjection. They had no suffrage, but they could stop the Senate and people from voting by their veto: a single tribune could stop all their proceedings ‡. This inordinate stretch of power was

pose, therefore, that he was not favourable to the measure proposed at Cambridge, and that therefore the Grace might be stopped.

* Algernon Sidney's Discourses concerning Government, C. 2. S. 16.

† Άλλα μὲν καὶ τα περὶ τὴν Εφορίαν τχεὶ φαιλως· οὐ μὲν γαρ αρχη, κυρια μὲν αυτη τῶν μηγιστῶν αυτοῖς εἰς· γινονται δικ του δημοι τωντες——ολιγη την τολιν διαλεισθε, καὶ δια την αρχην επικ λιαν μηγαλη καὶ εστυραντον, δημαγωγην αυτους παγκαζόντο καὶ οι βασιλεις. Polit. L. 11. Cap. 9.

‡ Tum inter praetorem tribunosq. omnia intempestive agendi certamen

DISSERTATION.

the occasion of great confusion, and eventually was made the instrument of the entire overthrow of the commonwealth. For Augustus Cæsar, too well knowing the strength of this power, though it had been suppressed for some years, revived it again, and *reconsecrated* it; and rendering it perpetual in himself, riveted the chains of slavery indissolubly on the Roman people.

The Cretans had a Council of ten (called *κερματοι*) similar to that of the Ephori among the Spartans; and it is described by Aristotle as having some worse qualities, and producing some worse effects*. It was by some such Council also as that we are alluding to, that the little Republic of Geneva, whatever changes it passed through afterwards, (and it underwent many†) lost, in its infancy, liberty, falling into intrigue and aristocracy: and by such a Council it is now governed.

The tendency of this principle is found to be the same, whether taken on a large or small scale. The Corporations of England were in their origin very beneficial, in affording protection to commerce against the barbarism of the feudal Lords; but, that being past, they are now become, through a change of manners, not only useless, but extremely pernicious. They are no benefit to the trade of cities and towns, and none to its magistracies: they clog the former; for where there are undue privileges, they must be proportionably undue disqualifications: borough-corruption, therefore, is become proverbial. These boroughs are now a corrupt part of our system; and it is usually carried on by the way in which votes are managed, and freemen made; which is most effectually through the instrumentality of a Council.

erat. Liv. Hist. L. xlv. 21.—Cæsar calls the exercise of this single negative of a tribune, Extremum Jus Tribunorum. De Bel. Civ. L. I. 4.

* Aristotelis Polit. Lib. ii. C. 10.

† D'Ivernois Hist. of the Constitutions and Revolutions in Geneva,

As for a literary Corporation, with a government by its Senate and President, (which might somewhat resemble that of the first Christian churches) a body of men, approved and distinguished by their degrees, their offices, their professions, and their characters, many of them of the very first attainments in science, and of the greatest purity of intentions—such a body is surely capable of forming a judgment of its proper interests and privileges by its own wisdom, and of preserving its respectability by its independence: and it is difficult to conceive, that such a Council, as I have been describing, can afford it any information, dignity, or strength, which it does not possess in itself.

This matter, it is well known, is most admirably managed in the arrangement of the British House of Commons. Besides each member's giving his own vote singly in his proper place, and after his own judgment, the House can form a Committee of the whole House, where the entire business is examined clause by clause, corrections introduced, the blanks filled up; and an entirely new shape often is given to the bill. They have also private Committees (chosen by the members out of their own body, and understood to be best acquainted with the subject to be debated) for the purpose of making inquiry, reporting the result of their inquiries, and thus affording the House grounds and reasons for their debates: but they never could allow of a Committee, or Council, which might shut the door on all their inquiries, and reasonings, and stop all their proceedings.

3. Let us consider, in what way our Statutes may affect our literature.

To this part of our subject some allusion has already been made; though rather comparatively, than positively; and in reference to what is essential in the nature of science, than accidental in its circumstances. For, though our moral feelings may be greatly and radically damaged by Statutes, our philosophy may be affected by them in a different man-

DISSERTATION.

ner. It may incur the blame of crime, without *feeling* itself at all criminal. For, if men reason, they will conclude; and, if they believe any given number of propositions to be true, all the articles and statutes in the world can never make them appear false. It is true, through the *feeling* or the dread of authority, they may be obliged to be circumspect; but, if they can spring a fence, they will think it no crime, and conscience will take no harm.

It might be an amusing, perhaps, an useful, speculation, to inquire, generally, how science is affected by human law; how it may be assisted, and how it may be injured by it. Such inquiry would, probably, shew, that like religion and commerce, it should by law neither be checked nor forced; not being of the nature of grafts, to be impregnated by sharp incisions and violent insertions; nor of hot-house plants, to be immaturely raised by artificial heat; but resembling rather seeds, which being carried by the winds, and sowing themselves by their natural strength, are nourished by the dews of Heaven. It may, indeed, be said, *Honos alit artes*; and on the principle of public utility, science may receive encouragement and reward; as on that of natural right it may claim protection: but there are cases in which the interference of law would do it incalculable evil.

In the Funeral Orations, annually delivered by the Athenian Orators, over those who fell in defence of their country, among the other praises bestowed on Athens, one was, on account of the freedom of its literature*; and to this superiority of its laws over other states, Cicero ascribes its superiority in literature.

The spirit of both the Greeks and Romans was in this respect very liberal. How different became that of Rome Christian! How abject its state under the Canons of her church, the Rules of her particular Orders, and the Statutes of her learned bodies! These were converted into a

* Thucydidis Hist. Lib. ii. c. 34.

sort of men-traps, whereby the human understanding was strongly enthralled and fettered, and many improvements, many useful discoveries in science, long kept back from the world. Under the authority of the *Decrees* first collected into a body by Gratian in the year 1151, under Pope Eugenius III. the Philosophical Writings of Aristotle were proscribed, and those who read them excommunicated *. That great luminary of science, Friar Bacon, of Oxford, (a *burning* and *shining light*, that the tyranny of custom would have extinguished) was for a long while prevented from imparting his ideas by the Rules of his Order †; and the *Opus Majus* of that extraordinary man would never have appeared, had he not acted under a higher authority. Had Ferdinand, King of Spain, obeyed his Ecclesiastical Counsellors, Columbus could not have discovered America; and it might have remained undiscovered to this day: for the dogma of St. Augustine had become a sort of Church and School Law; and, in the case of Virgil, Bishop of Saltzburgh, who ventured to maintain the doctrine of the Antipodes, Pope Zachary had ordered him to be degraded by his Legate, and to be excommunicated. Copernicus, under the terror of ecclesiastical law, was obliged to keep back his system for forty years: and when poor Galileo maintained, that the sun was in the center of our system, and had a daily motion on its own axis, his writings were burned; the astronomer himself was thrown into prison; and being, at length, released from confinement, he was obliged to renounce the doctrine, and once in a week, for three years, to recite what were called the *seven penitential*

* Rog. Baconi *Opus Majus*; Lib. I, C. 15. Et præf. ad Ed. 1733.

† Constitutionem etenim fecerant Prælati ordinis sui, et sub præcepto et amissionis libri, et jejunio in pane et aqua pluribus diebus, prohibuerant eum a communicando scriptum aliquod a se factum cum aliis quibuscunque. MS. Cotton. Tib. C. Cap. 5. Fol. 3; as quoted in the Præf. ad *Opus Majus*.

DISSERTATION.

Psalms. Such was the blessed influence of church laws and statutes on geography, astronomy, and navigation !

In the year 1317 Pope John XXII. as we have seen, had ordered the *Constitutions*, with the other *Decretals*, to be read in the Schools at Cambridge *, and by them Philosophy, as we before observed, had been outlawed. But, at length, Aristotle was suffered to take her seat in the Schools of the Universities of Paris and England ; yet so dilacerated, distorted, and crippled, as to be scarcely known. Aristotle was not Aristotle ; but so *mistranslated*, *corrupted*, debased, and *mysticised*, with scholastic divinity, that Friar Bacon says, if he could have had his will, his writings should have been all burnt †. However, a barbarous jargon, called the Aristotelian philosophy, gave law to the Schools ; and this system, at once so authoritative and futile, furnished materials, at a comparatively late period, to the satire of Erasmus, and the philosophical indignation of Lord Bacon.

It is often found in experience, that laws which are the least expedient, become the most permanent ; such, particularly, are those which relate to science and religion : they became in a manner almost law and gospel there. For custom, of itself a tyrant, when strengthened by statutes, and emboldened by authority, may be expected to obtain a larger dominion, and to hold it for a greater length of years ; it swells by degrees to superstition, and will generate a species of idolatry in minds not naturally strong : and there are learned as well as illiterate vulgar, who will always find it easier to bow to rules, prescriptions, and precedents, than to serious thinking and patient research, or to listen to

* Priv. Cant. p. 14.

† Si haberem Potestatem super Libros Aristotelis, ego facerem omnes cremari ; quia non est nisi amissio temporis studere in illis, et causa erroris, et multiplicatio ignorantiae ultra id, quod valeat explicari. Ibid. ut supra, p. 533.

DISSERTATION.

535

discoveries, when first new and undecorated, unsanctioned by any royal, canonical diploma. Hence philosophers must stand long alone; with few companions, fewer assistants, and often amidst much opposition, if not of persecution*; while Truth itself shall be heard to complain, "I have stretched out my hands, and no man regarded me."— Thus may Constitutions, Decrees, and Statutes, injure Logic, Ethics, Metaphysics, and Politics.

Now, Logic, Ethics, Metaphysics, and Politics, grow, as it were, out of the human constitution, and when drawn forth, as parts of literature, into systems, should, of course, be altogether natural in their structure, and of the nicest, most exact proportions. In the Schools, therefore, they ought to be altogether free, and reason be the only moderator. Law may do mischief, by bringing that under its controul, which is not properly of its jurisdiction. Should the Scholastic act contrary to the ordinances of society, then is the time for the law to counteract. But, that law may do them great injury, by controuling what is not properly of its jurisdiction, is an observation, which, I fear, has been found sadly true by experience; and proved to be so, by the laxity of the principles in an admired publication, the tendency of which is, to give something of plausibility to our school-morality; but which, I suspect, on impartial examination, would be found inconsistent with logical correctness, and with the author's better judgment†. True Political Expediency would, I suspect, be, to place certain matters on a better, more natural basis, that they may appear in a more defensible, more honourable form.

Some observations having been already made on obsolete

* *Studia enim hominum in ejusmodi locis in quorundam authorum scripta, veluti in carcere, conclusa sunt, a quibus si quis dissentiat continuo ut homo turbidus, et rerum novarum cupidus corripitur. Francisci Baconi, Noctis Organon, Lib. 1, C. 90.*

† See a Defence of Dr. Law's Considerations, &c. by William Paley, A.M. first published in 1774.

DISSERTATION.

statutes, it is unnecessary to revive the hints that were then thrown out on statutable lectures, which are never read; on statutable professorships, which have been long ineffective; of statutable exercises, which are never performed; and of other statutable duties, which are never called into action*. Such observations, as I would hope has already appeared, were not written in a spirit of dislike to liberal institutions, but of concern, that our institutions are not still more liberalized. Such observations related principally to Cambridge; and due respect was paid to the apology, which should urge, that the state of literature, and the modes of instruction are now so altered, as to render them unnecessary, if not impracticable. And such apology, with the ready concession which I am disposed to make, would even be favourable to our present argument. Nor were such remarks made in a temper sufficiently disengaged, unaffected, or joyous, for satire or ridicule. Suffice it to have alluded to those ancient remains of a barbarous philosophy (slightly hinted at before), those impediments to truth and liberal science, I mean, the academical exercises enjoined at Oxford†, preparatory to taking degrees; and when taking them, and to the testimony of the gentlemen of Oxford already mentioned, who were too serious, too much in earnest for trifling, and too much attached to the interest

* See Stat. Cantab. et Oxon. *passim*.

† See *DISPUTATIONES IN PARVISO; ANSWERING UNDER 'BACHELOR'; and EXAMINATION, &c.* With a string of Syllogisms, upon a common question, for the Oxford Schools, &c. The account may be seen in Dr. Kneller's Essays, as given by Mr. Napleton, formerly a Resident Tutor of Brasen-Nose College, and by Dr. Newton, formerly Principal of Hertford College. It seems from Dr. Coblestone's (the present Master of Oriel College), sensible Reply to the Edinburgh Reviewers, on the subject of Academical Education at Oxford, that many and considerable improvements have been introduced there of late years. It may be therefore expected, that some ridiculous exercises have fallen into disuse: still the evils introduced by Statutes may leave bad effects, which will not easily or soon give way. For bad Statutes are like poisoned arrows; some of the matter may remain, after the weapon is removed.

of that learned body, to hold it in scorn; yet too erudite, not to treat such absurdities, although statutable, with indignation; and too honourable, when having occasion to speak of them, not to bear their faithful testimony against them.

But, that the reader, leaving the more limited view, might take the most prominent ground, and survey the subject in its full extent and magnitude, he was desired to ask the question, Why did Locke's writings meet with such illiberal treatment at Oxford? The curious Oxford Statute was quoted, Tit. 6, Sect. 2: *Aristotelem similiter totamq. Peripateticorum doctrinam pro virili defendere teneantur.* That is an answer to the question. And I shall here, in conformity with the rule which I had prescribed to myself, at the beginning of this Dissertation, and as a comment on this Statute, call in the testimony of one of our learned academics, to whom an appeal has been already made. He observes, in reference to this Statute, as follows:

"I forgot, in my last paper, to mention, that our Christian mother of arts and sciences took a particular liking to an old heathen philosopher, Aristotle by name, to whose musty systems of Logic, Rhetoric, Politics, and Ethics, she was so much wedded, that she constituted them the standards of the arts to all succeeding generations, and by statute obliged her matriculated issue to defend and maintain all his peripatetical doctrines, right or wrong, to the last gasp of their breath, and the last drop of their ink; and it was further enacted, by the authority aforesaid, that if any person should presume to dispute or deny the Stagyrite's opinion in any public exercise, the said public exercise should not pass pro forma; and, moreover, that the audacious delinquent should be fined five shillings for every such offence; a sum, which every philosophical Freethinker does not care to pay for pretending to be wiser than his forefathers."

DISSERTATION.

With these so significant facts, adduced by this learned gentleman, take his as significant remarks on them.

"This is the best account we have of the origin and institution of the Aristotelian dominion in the Universities: we must dispute to no purpose, because our academical predecessors could not dispute without going to loggerheads; and thus the folly of our forefathers (like Adam's sin) derives upon us the unhappy necessity of defending absurdities, and propagating falsehoods." He adds, "Whilst our education continues in this state, it is impossible that truth, or knowledge, or learning, should increase." Dr. Newton makes a variety of other pertinent observations on what he calls "our standard of philosophical faith."

Such is the tendency of barbarous statutes; they possess a secret influence, which may be inimical to science, as much as open violence; not, indeed, like the hurricane, which overwhelms, and bears away the materials of, a building all at once; or which tears up a plantation by the roots; but, like the marshy grounds, on which you can neither build nor plant, without much draining, with other preparatory labour, and, after all, with great hazard of success. Thus philosophers, on making experiments, and ascertaining facts, may deduce principles, form in their own minds new systems, and their consciences will feel no pain, however opposite their conclusions may turn out to a philosophical creed, established by law; still such persons may be cautious in proposing their discoveries, and learned bodies will be backward in admitting them. For to be new is with many the same as being false: Custom, procreating by Statutes, though not having in her own right any natural claim to authority, yet becomes the parent of a spurious, numerous, powerful progeny, Prejudice, Conceit, Loquacity, Indolence, Ignorance, Self-Interest, and such-like: these, by their intrigues and cabals, their solemn disapprobations, senseless garrulities, and scholastic formalities, may retard truth for ages.

Our Cambridge Newtonians may, therefore, be happy, that Des Cartes was born long after our Royal Statutes were given: otherwise, there can be little reason to doubt, that our learned Universities would have been statutably bound to retain the Cartesian, as well as the Aristotelian philosophy. For at the time of Mr. Whiston (that is of Newton), the mathematics of Des Cartes was *generally received* there, or, as Mr. Whiston * expresses it, “it was alone in vogue with us at that time.” How *forcibly too* is to be gathered from the Preface to Sir Isaac Newton’s **PRINCIPIA**; and still more perhaps from a Dissertation of Dr. Henry More’s, of Christ College, who, though a Platonist and Cabalist (in which respect he stood almost alone), and even much alarmed at some part of the Cartesian philosophy, yet has most zealously, and somewhat elaborately †, defended those parts of it, so generally received at Cambridge. Dr. More speaks of a *Triumvirate of Philosophers*; of which Des Cartes was one. The other two (Newton and Locke, if I read him right) he had neither thoroughly studied; and he seems to have thought it beneath the dignity of his philosophy to give them a serious and ample perusal. And we have already noticed two learned members ‡ of Cambridge-University, who strenuously opposed the writings of Newton and Locke. So I must repeat, that the Newtonians may congratulate themselves that the giving of the Royal Statutes preceded the birth of Des Cartes; for, had there been a statute fixing his philoso-

* *Mr. Whiston’s Memoirs of his Life and Writings*, Vol. I. p. 36.

† *Epistola H. Mori ad V. C. quæ Apologiam complectitur pro Cartesio quæq. Introductionis Loco esse poterit ad universam Philosophiam Cartesianum. Sub Auctem Enchirid. Eth. 1711.*

‡ Dr. Green, a Tutor of Clare Hall, wrote a work, entitled, “The Principles of Natural Philosophy, in which is shewn the Insufficiency of the present Systems, to give us any just Account of the Sciences,” &c. Cambridge, 1712. In this work the Newtonian System is opposed. Mr. Lee, a Fellow of Emmanuel College, wrote, *Anti-Scepticism, or Notes upon each Chapter of Locke’s Essay, in four Books.* Fol. 1702.

DISSERTATION.

phy for the “philosophical faith,” it might, perhaps, have continued much in vogue to the present day.

But, we may expect, that no branches of literature will be so likely to be affected by the spirit of our Statutes, as Scripture-Criticism and Theology.

It is natural to suppose, that people of different religions should each severally take as the standard of their controversial appeals, and the rule of their academical exercises, that Book, which they consider as the source of their doctrines. On this principle the Reformation in England at first avowedly proceeded, and on this only, in strictness, can it be defended. This was the foundation-stone: hence the famous adage, so expanded and enforced in an ample volume by Chillingworth, **THE BIBLE, THE BIBLE, IS THE RELIGION OF PROTESTANTS.**

But facts do not always correspond with our prejudices and presumptions. And there appears to be a strange tendency in mankind to pay to a second-rate authority that deference which is due only to what they acknowledge to be of the first; like travellers, loitering on a road, or striking out of it, to gaze at a directing post, instead of going, though on a sure pathway, right on. Hence, their subjection to Misnas, Vedants, Expositions of Doctors, Creeds, and Articles of Faith. Hence, at the Reformation in England, the avowal and disavowal of the same principles with almost the same breath. In separating from the Romish Church, men asserted the right of private judgment in matters of religion; but, on combining immediately into new societies, they ruined their own cause, by harassing their churches and Universities with the same weapons, with which Catholic opponents had harassed their own party before. Here, men otherwise judicious, betrayed some want of judgment, as in a subsequent period Bishop Bossuet did his consummate skill: for in a Conference, which as advocate for the Romish Church he had with Mons. Claude, the head of the French Protestants, he

DISSERTATION.

541

defeated that honest, but unguarded, disputant with his own arguments; so that the best defence which his memorialist and admirer can make for Claude, is, to repeat what Bossuet said of him, “that Mons. Claude said the most and best that could be said for a bad cause*.” Hence the French Catholics used to call the Protestants, the *Pretended Reformed*.

The Catholics, it appears, charged (as Bellarmine most pointedly charges †) the motley brood of opinions, those terrible heresies, which sprang up with the Reformers, to their doctrines, to casting off the Infallibility of the Roman Pontiff: and, by way of parrying this thrust, the latter hit on the silly expedient, by Harmonies and Confessions, drawn up in their Synods, to hold out an Infallibility of their own.

A most intelligent writer, formerly a member of Catharine Hall, Mr. Archdeacon Blackburne, has given a View of the Rise, Progress, and Effects of Established Confessions of Faith in Protestant Churches, proving them to be a most serious encroachment on religious liberty, and altogether indefensible on truly Protestant principles. The learned Archdeacon pointed his arguments against the subscriptions imposed on the Clergy of the Established Church; but they will also apply to those on the members of the University, and with more force, and in a greater variety of particulars. For not only had a Statute of Elizabeth ‡ laid down, that “no person should in any Sermon, in handling any Common-Places, in Public Readings, or in any other public manner, within our University, teach, or treat of, or defend, any thing, against the religion, or any part of it, received and established in our kingdom by public authority; nor any thing contrary to any state, authority,

* Life of Mons. Claude, (prefixed to his Essay on the Composition of a Sermon, with Notes, &c.) by his Translator, Mr. R. Robinson, p. 41.

† Bellarmin. de Romano Pontifice.

‡ Stat. de Concionibus, A. 1570. See p. 194 of Priv.

DISSERTATION.

dignity, or degree, ecclesiastical or civil, of this our kingdom of England or Ireland ;" but this was afterwards followed up by the *Regiae Literæ* of James *, in which his Majesty signified his pleasure, that he would have all that take any Degree in the Schools to subscribe to three Articles (which shall be given presently) : suffice it now to say, they include not only "the oath of allegiance, and of the King's supremacy as well in spiritual or ecclesiastical things or causes, as temporal, &c." but to the Common Prayer, "that it containeth nothing contrary to the word of God," and to all the 39 Articles, besides the Ratification, fixing them to one settled, literal, grammatical sense. Now, it might be observed, that neither the above Statute of Elizabeth, given in 1570, nor King James's Letters, first sent in 1603, and delivered with his own hand in 1616, appear to have been confirmed by Act of Parliament (as most of our Charters are, and as Elizabeth's first Charter, given 1561, certainly was); and, further, that both King Edward's and Queen Elizabeth's first Statutes were of a far more Protestant character than Elizabeth's last.

I have said, that the Statutes and Letters affect the members of the University in a greater variety of particulars, than they did the clergy, in their ecclesiastical subscriptions. And this is true, so far as the law goes; for by an act passed in Elizabeth's reign, and never repealed, no other subscription was required, than to those articles "which concern the Confession of the true Christian Faith, and the Doctrine of the Sacraments." The Disciplinarian Articles, as they are called, made no part of the Act, as may be seen at large in the Journal of Queen Elizabeth's Parliament, as published by one of our Cambridge Antiquaries †.

* See Priv. p. 347.

† Sir Simonds D'Ewes's Journal of Queen Elizabeth's Parliament, p. 299; &c.

At present, it is more to the purpose of our argument to observe, that the above Statute and Royal Letters, or Orders, suppose the members of the University to have a thorough knowledge of all things contained in the Liturgy, the 39 Articles, Homilies, and Canons of the Church; and a hearty approbation of them; and, that these 39 Articles present the outline or summary of what is called a Body of Divinity, according to the Faith of the compilers, on, what are supposed to be, all the leading doctrines of Religion, both natural and revealed; of a prescribed Formulary of Church Discipline, and of various points of Christian Antiquities; all strict as to doctrines; numerous and minute as to particulars; extensive, as well as complicated, in their views; and authoritative as to their obligation. These, of course, will influence our College Lectures, direct our University Sermons, become the subject for academical Exercises, controul our public Schools, and give rule and law to our Divinity Professors.

Hæ tibi erunt Artes—

Within limits so extensive, yet so narrow; so sanctioned, yet so doubtful; so solemn, yet, perhaps, so erroneous; are our religious inquiries circumscribed by these Statutes and Regiæ Literæ. What is this but locking up all our powers for a rational inquiry into matters of religion; and shackling every thing that deserves the name of Theological Literature?

Here, then, we have an enormous power, which, were I speaking of Church matters, I should say, sitteth in the temple of God, speaking and acting, as though it were God; but, treating of academical subjects only, I must beg leave to say, it sitteth in the Schools, speaking and acting as the oracle of all metaphysical and theological *truth*—to the destruction of the great leading Protestant principle, the right of private judgment in interpreting scripture—to

DISSERTATION.

the confusion of all proceedings in the Divinity-Schools—to the contradiction of its own Decrees—to the perplexity and dismay of thinking, conscientious members of the University, who may be students in Theology—to the destruction of the Protestant principle of the right of private judgment—as might be shewn in the famous example produced in Dr. Jebb's Works *, of Mr. Robert Tyrwhitt, of Jesus College. The learned gentleman proposed four theological questions, which (on the Protestant principle of the right of private judgment) he proposed to bring to the test of Scripture. But the learned Professor (Dr. Rutherford) refused to admit the questions into the Schools; no doubt, because he thought they were not quite agreeable to the 39 Articles—to the confusion of all proceedings in the Divinity Schools, and in contradiction of its own Decrees—as in an act, kept by Dr. Milner, on Justification by Faith, in which Dr. Coulthurst was an opponent. Now, if the thesis of the former of these learned gentlemen was agreeable to the Articles, the latter, in his opponency, must have gone contrary to them. If the opponency agreed with the Articles, the Thesis † must have been contrary to them; and either way there must have been a violation both of Queen Elizabeth's Statute and King James's Regiae Literæ—to the perplexity and dismay of thinking, conscientious members of the University, who may be students in theology—as will be found exemplified in a Sermon, preached in Trinity College by Mr. Garnham, formerly a senior Fellow of that society. The learned gentleman prefixed to his Sermon, when published, “part of the oath taken by every Fellow upon his admission:” this, in reference to the study

* Vol. I. of Dr. Jebb's Works, Memoirs, &c. p. 31.

† This act, above others, has been mentioned, merely as one that was somewhat famous in my time, though I was not present at the keeping of the act. But indeed every question that can be put up in the Divinity Schools is liable to the same objection.

of the Scriptures, and to the conduct to be pursued by the Fellows in opposing errors, is perfectly consistent with the leading Protestant principle already mentioned. He then makes an extract from the University Statute, *de Concionibus*, (the statute which I have already referred to) in a way of comparison; and this University Statute he shews is *toto ccelo* in opposition to the College-Statute, though both were given by the same authority, Queen Elizabeth. Mr. Garnham then puts several pertinent questions, shewing, that the College-Statute and University-Statute are in diametrical opposition to each other; that the members of the University are in the habit of violating the University Statute daily in the Divinity Schools; that the theological disputation, therefore, are, on the principles of that statute, nugatory with respect to the advancement of truth; that, whichever side has the advantage in the Schools, yet *out of them*, opinions and systems must continue *status quo*; and, that it is *tantalizing and insulting* to insist on such discussions*.

Theology, in her Sermons, preached in our University pulpits, and in various publications from the press, has, indeed, frequently asserted her freedom; and, sometimes, her right to be free, by appealing to a certain *Royal Declaration*, published with the 39 Articles in a later period; but how ineffectually is fully shewn by Archdeacon Blackburne †. She is still bound to subscribe these Articles in their original, *literal, and grammatical sense*. It would be easy to shew, by proofs ‡ drawn from Sermons,

* A Sermon preached in Trinity College Chapel, Cambridge, on Thursday, Dec. 19th, 1793, the Day appointed for the Commemoration of the Benefactors of that Society.

† *Confessional*, ch. iv. p. 124, 2d ed.

‡ Instead of such proofs, I shall content myself with appealing to the testimony of four writers of very different sentiments, three of whom were members of our University of Cambridge—Mr. Collins (a private gentleman), one who was called a Freethinker, in a Discourse on Freethinking,

DISSERTATION.

from notes in Bibles printed in Elizabeth's reign, from the sense given to the doctrines of the Church of England, by the suffrage of Divines at the Synod of Dort, as well as from the writings of the compilers of the 39 Articles, what the original sense of those Articles most certainly was upon what are called the five points; and then in succession it could no less easily be shewn, that our public preaching in the University pulpits was for a series of years in a strain very little allied to them.

Hence it was, that a zealous party, which proceeded from the University of Oxford, in the middle of the last century (Mr. Whitfield and others) used to make their constant appeal to the doctrinal Articles of the Church, on *Justification*, *Predestination*, and such-like: and, though it was supposed, that some of these gentlemen were no hearty friends to the disciplinarian Articles, yet they became ministers of the established church, and under protection of the doctrinal Articles, they conducted themselves like men, who think themselves surrounded by an impregnable fortification*.

But truth being founded in nature, will stand, like a rock, independently of human authority; opinion, resting on fallible judgment, however propped, is liable to give way, and,

p. 70—Archdeacon Blackburne, an Arminian Divine, in His Confessional, ch. iv.—Mr. Simpson, Rector of Macclesfield, a moderate Calvinist, in a posthumous work, entitled, *A Plea for Religion and the Sacred Writings*. New Edit. 1810—and Mr. Augustus Toplady, Vicar of Broad Hembury, in his *Doctrinal Calvinism of the Church of England*.

* See *Theron and Aspasio*, by the Rev. Mr. James Hervey; and various other publications during that period.

At a period a little subsequent to the above, certain students were expelled from Oxford, on account of their conduct, as what were called, *Methodists*. The author of *Pictas Oxoniensis*, and others, who appeared as vindicators of the expelled Students, made very ample references to these *Doctrinal Articles*; and one or more of those Oxford Students were afterwards ordained ministers in the Established Church.

DISSERTATION.

347

as is said of the fabulous tree of Java, to breathe poison and death while it stands.

Human formularies, therefore, on men of genius are impertinent check-strings, causing them to stop, when they ought to proceed ; to be cautious, where they should be resolute ; timid, where they ought to be firm ; slothful, where they should be industrious ; and, even when they make discoveries, backward and procrastinating in communicating them : to men, of very moderate abilities, and shallow, superficial arguments, they give a dangerous confidence, a popular boldness, an oracular power of appeal, an authoritative tone of decision ; and men of weak capacities, and humble attainments, they keep in their state of infancy, and hold in leading-strings, all their days.

Such is the nature, such sad experience has proved it to be, of our *Corpus Confessionums*, our human Formularies of Faith in Protestant Communities. Men seem to have thought, that human opinions rise in value, for a succession of two or three centuries, as figures increase in value, ten times backwards towards the left hand. Whereas the contrary ratio is, in numerous cases, and for obvious reasons, found to be the true one.—With respect to our Divinity Schools, at Cambridge, we may take the rationale of them pretty correctly. The late learned Professor, Dr. Watson, published six volumes of *Theological Tracts*, prefixed to which will be found a *List of Questions* proposed in the Schools through a series of years in the Divinity Schools, viz. during the Professorships of Dr. Rutherford, of himself, and, at a much earlier period, of Dr. Tuckney. It will, on all hands, I apprehend, be allowed, that while Bishop Watson was engaged in the duties of his office, he discharged them with as much liberality as discernment ; and in the selection of his Tracts he has displayed the same liberality. This spirit may be seen in his distinguishing the Questions of Dr. Tuckney, (who was ejected in 1662 for nonconformity) above those of others, who had been Divi-

DISSERTATION.

nity Professors, in the intermediate time, between Dr. Tuckney and Dr. Rutherford. It is no less visible, from his inserting, among his Tracts, some of Dr. Clarke's, and several written by Protestant Dissenters, Dr. Taylor, Dr. Priestley, and others: but *would* Bishop Watson, or, circumstanced as he was, *could* he, or, as some might ask, being bound by his own subscriptions to Queen Elizabeth's Statute, and King James's Letters, *ought* he, to have admitted questions vindictory of Dr. Clarke's "Catholic Doctrine of the Trinity," of Dr. Taylor's "View of Original Sin," or of certain of Dr. Priestley's *Polemical Writings*? It is evident, I think, that the learned Professor, however liberal-minded, would not: it is evident, also, that the above-mentioned questions do also, in some sort, actually consider the Established Formulary as the Ruling Star of our Divinity-Schools; and, that where they do not point directly to it, the variations are but small.

It will be recollectcd by some, that this learned Professor, when officiating as Moderator in the Divinity-Schools, used sometimes to hold out in his hand a Greek Testament, intimating, at the same time, *that* to be the rule, which the disputants should regard in their arguments, and himself, in his decision; and this, as if he should say,—though he did not so express himself—“in defiance of the 39 Articles.” This was done with his accustomed dignity (for he was well-instructed in the Protestant Doctrine of the Right of *Private Judgment*, though he had not learned it from Elizabeth's Statutes, or James's Letters), and not in the facetious, ironical spirit of Father Fulgentio. This preacher was once addressing a Popish assembly at Venice, on Pilate's question, “What is Truth?” When, holding out to them a New Testament, he informed them, that after much investigation, he had discovered it; and looked, as though intending to present it to them: then closing the book, and putting it into his pocket, he archly continued, “but the book is prohibited.” Now, to present men with a book,

and to oblige them at the same time to receive a given interpretation of it (as was done towards Churches and Universities at the Reformation, and still is), to the extent of these 39 Articles—this is little different from locking up the sense of it; for it precludes the free use of it, and prevents an unbiased examination of its contents. All the *Vindications of Subscription*, and grave Sermons, united, of Drs. Rutherford, Powel, Halifax, and Hey, cannot furnish an answer to Father Fulgentio's honest irony.

3. Having thus considered, in a general way, the influence of our Statutes, Royal Letters, &c. on Criticism, and Theological Literature, let us,—to put the matter in the most striking point of view—add a few words on the *Nature* and *Extent* of our Subscriptions, together with the testimonies of several learned men, members of our University, against them.

An extract from Queen Elizabeth's Statute has been already given, and an allusion also made to King James's three *darling* Articles, as he used to call them. As, over and above an obligation to obey University and College-Statutes, the members of our University are also bound to receive the above Articles, as the rule of their faith and practice, it may not be improper to give them here at full length. They read, as follows:

“ I. That the King's Majesty under God is the only supreme Governor of the Realms; and all other his Highness's dominions and countries, as well in spiritual as ecclesiastical things or causes, as temporal, and that no foreign prince, person, prelate, or potentate, hath, or ought to have, any jurisdiction, ecclesiastical or spiritual, within his Majesty's said realms, dominions, and countries.

“ II. That the Book of Common Prayer, and of Ordering of Bishops, containeth nothing in it contrary to the Word of God; and that it may lawfully be used; and that he himself will use the form in the said book prescribed, in

DISSERTATION.

public prayer, and administration of the Sacraments, and no other.

“ III. That he alloweth the Book of Articles, agreed upon by the Archbishops, and Bishops of both provinces, and the whole Clergy in Convocation holden at London in 1562, and that he acknowledgeth all and every of the Articles thereiu contained (being in number 39, besides the Ratification) to be agreeable to the word of God.

“ We, whose names are underwritten, do willingly, and ex animo, subscribe to the 3 Articles above-mentioned, and to all things therein contained *.”

One or two brief remarks should be made here.

By a Grace, then, which passed the Senate Jan. 2, 1613, it was ordered (*juxta tenorem literarum a serenissimo Rege Jacobo missarum*) that no one should have a *Grace passed, for the Degrees of Bachelor in Theology, or Doctor in any Faculty, till he had subscribed James's three Articles.* But James afterwards so narrowed this Grace, as, it should seem, to supersede it, and to place in its room his own Royal Order of Dec. 12, 1616, which, among other things, runs thus—“ *that his Majesty signified his pleasure, that he would have all that take any Degree in Schools to subscribe to the three Articles,*” quoted above.

It seems, as though James, wished to have it understood, that he behaved towards the University with great liberality and condescension in this business; and the Bishop of Winchester, with King James's Order, sent the following strange Letter to Dr. Hill, Master of Catharine Hall, who was the Vice-Chancellor that year.

“ Good Mr. Vice-Chancellor,

“ I have sent you his Majesty's hand to his own direction: I think you have no precedent, that ever a King first with his own mouth, then with his own hand, gave such

* Excerpta e Stat. Acad. Cantab. p. 25.

DISSERTATION.

551

directions ; and, therefore, you shall do very well to keep the writing curiously, and their directions religiously, and to give his Majesty a good account of 'em carefully ; which I pray God you may : and so, with my love to yourself and the rest of the heads, I commit you to God.

" From the Court, the 12th Dec. 1616."

Such, then, is the theory, according to King James's three *darling Articles*, of Subscription ; and both of the theory and practice an account is given in another part of this work : it is unnecessary to treat of them further here. The truth is, the few pages now remaining to the end of this Dissertation have been lying blank for a considerable time, during which, what was intended to be stated here, has been treated of in another place. The testimonies of learned Academics against the system are also there given. The few following pages, therefore, shall be filled up with other matters.

After so much, elsewhere advanced, concerning spurious charters, a desire was felt to pursue the same course relative to them, as will be found to be adopted towards some other subjects, which concern our Universities : this was, to introduce the testimonies of learned men on these points, so that some opinions, which have been advanced, might appear to flow in the natural order of facts, and to rest not on private, prejudiced, and doubtful allegations, but on public, unsuspected testimonies, on well-established, substantial authorities ; for, I am aware, it may startle some people, not accustomed to this sort of inquiry, to read, that charters and other public instruments, which could confer the most powerful privileges, give the most extravagant exemptions, and convey the most extensive possessions, were many of them gross forgeries. Certain, however, it is, that the forging of charters was so common a practice, from the sixth to the eleventh century, and even later, that it may almost be said to have been a profession.

DISSERTATION.

And, indeed, antiquity itself, notwithstanding its venerable character, is a great deceiver; often, by reason of the mist, through which remote objects are viewed; and as often, by the false lights thrown around them by imposture. Substances the least liable to decay or fade, and the least exposed, one might think, to fraud, have had their *falsarii*. Hence monuments, seals, medals, and ancient coins, have been falsified in abundance; so that treatises on ancient art can scarcely be said to be complete, that do not furnish the means of distinguishing the true from the false. But paper was a more manageable material; and writing, with those who could write, of easy fabrication. Of the various Greek and Latin writings ascribed to the wrong authors, some, no doubt, have been falsified rather by mistake, than design; but pious fraud and worldly policy have been positive, grand corruptors and impostors; and of *false old Testaments, false new Testaments, false apostolical Fathers, and the like*, there is no end*.

* Of mistakes or deceptions on the above subjects, ample testimony is borne—on monuments and seals by the Critic on the Parian Chronicle, by Wolfius, and Mr. Knight, in their Prolegomena to Homer;—on classical writers, by Dr. Bentley, in his Dissertation upon Phalaris, 1777;—on coins and medals, Latin, Greek, Hebrew, and other nations, &c., by Gorlaeus, Hoppingius, Mabillon, Anderson, and the author of Dissert. de Usu et Præstantia veterum numismatum; Dichiaratione della Hebraica Medalia detta Maghen David, Abraham, &c. di de Angelo Gabriele Anguissola. Mediol. 1617; and by various writers, among those enumerated, de Scriptoribus de Reditibus, &c.; de Nummis, &c., by Fabricius, Bibliogr. Antiq. cap. xvi.—Of supposititious writings ascribed to the patriarchs and prophets, Fabricius enumerates 240; Codex Pseudepigraphus Vel. Test. Collectus a J. A. Fabricio. Hamb. A. 1713. In his Codex Apocryphus Novi Testamenti, he has published a similar collection of supposititious Gospels and Fragments relating to the Gospel History. Of certain supposititious writings, under the title of *Patres Apostolici*, many authors have written; and more generally, a former librarian of the Bodleian Library (Dr. James) has written much at large, “A Treatise on the Corruption of Scripture, Council, and Fathers, by the Prelates, Pastors, and Pillars of the Church of Rome: (Oxford, 1688,)”—many of which were before reckoned spurious, and even formally rejected by Cardinal Bellarmin, and Baronius, and other learned men of the Roman Church.

DISSERTATION.

Of books, such as those called classics, it is not pretended, indeed, that we have the autographs of the original authors, but only the apographs. Charters were more liable to mislead; and the manufacture of them was at once more easy and seductive.

Of books, it may be further observed, that of such as were deemed worthy of being written out, many copies would be taken; so that, if one of them was lost, others of them might be preserved. But charters were rarely duplicates; they were almost always single copies: so that such single copies, as those *original* charters are supposed to have been, if lost, must have been lost for ever. An intelligent writer, who had well-canvassed writings of this kind, maintains, that all such of the date of our supposed ones, though he was not speaking of them, must have been worn out by the rust of time, or would have been swept away by the devastations made of them by successive conquerors. But, to cut the matter short, with respect to some of our supposed ancient charters, they are of a date, as hinted in another part of this work, prior to the public use of such instruments in this country.

But, passing general observations on fictitious charters and bulls, let us receive the more particular the testimony of learned antiquaries; and first, that of Philip L'abbé, an erudite and industrious inquirer into ecclesiastical writings, and ancient charters, of the authenticity of some of which (he exemplifies by those of France,) he expresses his strong suspicions, of others he asserts, that they were undoubtedly forged. One is ascribed to King Clovis conveying lands in Burgundy, before he possessed that kingdom*; in another, Ostrogesilus professes himself bishop of a large province in Gaul (that of the Bituriges†), a hundred years before his consecration; and one is given to Clovis, dated thirteen

* Hist. Saec. Tom. I. *mélanges curieux*, pt. 3, 5.

† Ibid: p. 91.

DISSERTATION.

years after his death*. These, and various other examples of charters, undoubtedly fictitious, are produced by the learned Jesuit, Philippe Labbe.

The next authority I shall cite is that of Mabillon, who published a work of much research and great celebrity, *de Re Diplomaticâ*. The professed aim of this work, as he avows in the opening of it, is to lay down certain and accurate conditions and rules, by which legitimate instruments may be discerned from spurious ones, and those that are certain and genuine from such as are uncertain and of doubtful authority, *atque ita ut muniat viam contra falsorum imposturas*; and he admits that, during many ages, there were not wanting forgers, by whom spurious diplomas were manufactured so as to imitate true ones†; and he admits that these falsatores lived from the sixth up to the eleventh century.

Another learned Jesuit follows in the same track, but extends his views still further. He compliments both the fidelity and learning of Mabillon, but thinks that many even of those charters and bulls, which Mabillon supposed to be genuine, were false: he maintains, as Mabillon had before, that forging charters was a common practice in the sixth, seventh, eighth, and the following centuries, up to the eleventh, and that all ascribed to the Merovingian and Curolovingian line of the French kings are forgeries. He produces various charters, on which he founded his arguments; and I am not aware that Mabillon ever attempted to answer them‡.

It may be observed, in passing, of the University of Paris, that it is probably of an earlier date than that of Cambridge; and yet it does not pretend to carry its charters of Privileges and Bulls so high. Monsieur Crevier, whom

* *Hist. Sacr. Tom. I. mélange curieux*, p. 394.

† *De Re Diplomaticâ. Lib. I. c. 3. § 1. p. 1.*

‡ *De Veteribus Regum Francorum Diplomatibus, et arte secernendi vera a falsis, Autore P. Bartholomeo Germon. Par. 1703. Cum Privilegio Regis.*

we have frequent occasion to cite elsewhere, knew no laws more ancient, relative to the scholastic discipline, than those of London in 1138, a decretal of Alexander the Third, and a decree of the Council of Lateran, under the same Pope in 1179, and of public instruments, relative to its rectorship (which is tantamount to the existence of a university), he observes—“ D'ailleurs le titre, sur le quelle on fonde le prétendut rectorat de Jean Scot Erigené, est bien caduc, et la Bulle de Nicolas I. est légitimement suspectée de fausité*. It may be noticed, also, of the University of Oxford, that, though it has no fundatorial false charters, yet it contains one, among the archives in their Tower, against their Privileges†; and a writer referred to in another place has proved by unanswerable arguments, that several charters and deeds, or grants, of a later date, relating to University College, are the grossest fabrications‡.

Of charters undoubtedly, spurious and forged, several English and Scottish writers have given abundant proofs. Among others, Mr. James Anderson, author of a work which obtained for him a great name among his countrymen, and Mr. Ruddiman, who wrote an elaborate preface to it, have treated much at large both on charters and seals. The use of charters and seals, it appears, is of a date somewhat later in Scotland than in England. But one, at least, of the earliest of them is supposed by Sir John Dalrymple, a great authority on Scottish antiquities, and by Dr. Hickes, not to be genuine; and Anderson and Ruddiman both refer to public instruments, which are proved to be forgeries. After various observations on charters and seals, Ruddiman, in his Preface, p. 103§, adds, “ It remains to add somewhat concerning the diffe-

* Hist. de l'Université de Par. Vol. VII. p. 107.

† The Annals of University College, Oxford. By William Smith, A.M. Fellow of that College, Dedicatio, p. x.

‡ Ibid. pp. 10, 116, 117, 118.

§ Of the English Translation of Ruddiman's Introduction to Mr. James Anderson's *Diplomata Scotiae*. Printed separately; Edinb. 1773.

DISSERTATION.

rent frauds committed by forgers upon seals as well as charters. The industrious Heineccius remarks, that there were six ways whereby a forgery or mistake may be committed in these, and illustrates them by examples." He proceeds to quote Heineccius.

Finally, among English writers on this subject, Dr. George Hickes stands pre-eminent, as well for his great learning, as his acknowledged accuracy and fidelity. He clearly perceived, that charters, for which such high antiquity is claimed, with the seals annexed to them, were forgeries; he traces the origin of charters and seals; he lays down marks, by which genuine and original ones may be known, and false ones detected; and he shews, with the other learned men above-mentioned, that the practice of forging charters and seals was a practice of the sixth up to the eleventh century: and of such-like false instruments he gives ample proof*.—Whether these writers bring any of their examples from Cambridge History, is of no consequence. It may, however, be remarked, that the dates of our supposed ancient charters, and the time when they were probably fabricated, fall within that period, when forging charters and bulls, and other grants, is allowed to have been so commonly practised, as perhaps, scarcely, considered a crime†.

And here, the blank pages being nearly filled, the Dissertation must close. It must suffice to have stated facts, and to have appealed to the authority of the above writers. In them may be found every thing that is necessary for the purpose of illustrating this subject; and it would be out of place to go into particulars here: generally, however, we may remark, that counterfeit charters, bulls, with seals, and other instruments, owe much of their origin—to the

* Lib. 2. Antiquæ Literaturæ Septentrionalium.—Dissert. Epistolaris, p. 109—et Brevi Conspectu Hickesii Operis. Lond. 1708.

† Nec clerici tantum et monachorum, sed notariorum, scribarum, pernotariorum, secularium, inter eisiam formam, in illis officiis incidentem. Notation.

ignorance of the dark ages, when few but clerks could read or write,—sometimes, perhaps, to a supposed existence of prior, real grants—to the confusion into which property was thrown, and the havoc that was made of all authentic documents, during the wars of the Saxons, Danes, and Normans—to a suspicion of future claimants, accompanied with a belief, (agreeably to the doctrine, that, Dominion was founded in grace) that too much could not be claimed for *God and the church*. The lay-abbots, no doubt, had a share in these frauds; but monks and priests were the principal movers in them.

Germon, the Jesuit, author of an able work, referred to above*, introduces it, by observing, “that had he thought the publishing of it could have any way proved injurious to the churches and monasteries, whose ancient instruments he had examined, he would have foreborne the publication;” but adds, “it is of no consequence, or very little, to the churches and monasteries, whether, after so long a series of years, their more ancient instruments are true or false.” A remark similar to this I have made elsewhere, relative to the more ancient charters copied from the archives of the University of Cambridge: antiquaries may, in their fondness, make them the ground of their disputes, and historians, if they please, take from them something to give colour and strength to their narratives. But, it is evident, they can answer no purposes in real business, and will have little or no authority, in settling any disputed claim. Whether true or false, they have answered all their purposes, by serving as stepping-stones to the present Privileges of our University.

These Privileges are now held not by doubtful charters and musty bulls, but by the sanction of the English Legislature. The British Parliament, therefore, is become a guarantee, to secure them in all their legitimate, constitu-

* *De Re Diplomatica Regum Francorum, &c.*

ENGLISH MANUSCRIPTS*

IN THE

PUBLIC LIBRARY OF CAMBRIDGE.

**ABBOT, Archbishop, his Opinion on the Earl of Essex's
Divorce**

**Adams, Thomas, his Letters to Professor Wheelock
Æsop at Tunbridge**

Aglionby, William, his Letters

Akehurst, Alexander, his Charge and Defence

Alcock, Bishop, his Abbey of the Holy Ghost

Aldred, Thomas, his Letter against the Spanish Match

Allington, Richard, his Confession

**America, Prospect for peopling and planting the Christian
Religion in the North-West Parts of America**

Anderson, Edmond, his Letter to Sir Francis Bacon

**Andrews, Bishop, A Discourse against a second Marriage
after a Divorce**

**Concerning Abstinence from Meats, and Observa-
tion of the Jewish Sabbath**

On the Countess of Shrewsbury's Case

Consecration of Ridgeway Church

Exposition on the Commandments

Anslove, Mr. Law Readings

Arithmetic, Treatises on

**Arlington, Lord, his Speech in the House of Commons,
in Defence of Himself**

* These Catalogues, &c. make part of the *Cambridge Fragments* announced in the other volume. They are placed here to prevent a disproportion in the size of the two volumes.

ENGLISH MANUSCRIPTS.

Arundell, Count, his Apology for accepting the Honour of
 Comes Imperii

Ascham, Roger, his Letters

Ascham, Mr. A Discourse on Marriage

Assembly of Divines, A Journal of their Proceedings, taken
 by Dr. Lightfoot

Ashby, George, his didactic Poem to Prince Edward, Son
 of King Henry VI.

Atkins, Richard, A true Report of the horrible and merci-
 less Martyrdom of Richard Atkins

BABBINGTON, his Letter to Queen Elizabeth

Bacon, Anthony, his Letter to the Earl of Essex

Bacon, Sir Francis, his Answers to the King touching the
 Prosecution of Somerset

Proceedings in Parliament against him

His Charge at the Sessions of the Virge

Maxims of the Law

Preparation towards the Union of England and
 Scotland

His Speech to the Judges in the Star-Chamber

Bacon, Sir Nicholas, his Speeches at the Council Table,
 in Parliament, and Star-Chamber

Bagford, John, History of Typography

Account of the first Impression of the Bible in
 England

Balzac, Mr. Letters between him and Mr. Dumoulin

Barlow, Thomas, upon the English Historians

Barlow, Bishop, his Manner of consecrating the Church
 of Fullmer

His Speech in Parliament

Barnes, Joshua, Letter to Mr. Langton

Barnwood, Courts held for the Forest of Barnwood

Baronets, Case between Baronets and younger Sons of Vis-
 counts and Barons for Precedency

• 861

ENGLISH MANUSCRIPTS.

Barrow, Henry, his Examination before the Queen's Commissioners

Barrow, Isaac, Volume of Sermons supposed to have been written by him

Battie, William, his Letter to Bishop More

Baverius, John, Collections from his Works

Bedford, Levell, Proposals for the better Management of it

Billars, Mr. his Speech to the King and Queen

Blomfield, William, Regiment of Health

Bollard, Nicholas, of gendering, planting, and grafting of Trees

Bosworth Field, a Poem

Bradford, Mr. his Letters to Crammer, Ridley, and Latimer, to Russell, to the University and Town of Cambridge

Bridewell, a Discourse upon the Commission of

Brook, John, Arms of the Knights Baronets

Brown, William, Collections of Receipts for making compound Waters

Brute of England, Chronicle from Brutus to Henry IV.

to the Accession of Edward III.

to the 12th of Henry VI.

to Henry V.

Gallice, to Edward I.

Reign of Edward I.

to the Death of Edward I.

to the latter end of Edward II.

to Edward III.

to Edward I.

Burton, Drue, Collections out of Sianertus

Collections out of Schenkins

Collections out of sundry Authors

CAMPION, Edmund, Histories of Ireland

Candia, Narrative of the taking of the Isle, A. D.

M.DC.LXVII.

ENGLISH MANUSCRIPTS.

Cambridge, Proof of the Ecclesiastical Jurisdiction of the University

Practice of the University in restraining or inhibiting Preachers

Scot's Account of the Foundation of the University and of the Colleges therein

Capgrave, John, his Chronicle

Caple, Richard, his Description of the Holy Land

Carr, Earl of Somerset, his Arraignment and Trial

Catherine, Dutchess of Suffolk, A Discourse of her Troubles and happy Deliverance

Cavendish, George, his Life of Cardinal Wolsey

Cecil, Lord Burleigh, Letter to Mr. Aschan

His Letter to his Son, Sir Robert Cecil

A Treatise against Jesuits and Recusants

Chamber, Robert, his Memorandum Book

Charles I. Venetian Ambassador's Account of his Temper and Disposition

Chaucer, his Treatise on the Astrolabe

His Canterbury Tales

Do.

Do.

Do.

Do.

Do.

Troilus and Cresseida

Other Poems

Hearne's Letter on his Life and Writings

Chronicle, of Scotland, in Verse, to the Reign of James II.

English Chronicle, from the Landing of Constantine to the Accession of Henry IV.

French Chronicle, from the Creation to 1306

Coin, whether a free Coinage causeth an Increase of Money or Trade

Reasons against Brass Money

Agreement concerning the Currency of Flemish and English Coin

Coin, Treatise on Coins, by Nicholas Tyery
Cope, Sir Walter, his Apology for Sir Robert Cecil
Corbett, Bishop, Verses to the Ladies of the new Dress,
with their Answer
Cornwallis, Sir Charles, Two Letters to James I.
Cotton, Sir Robert, Extracts from the Records by what
Means the Kings of England have and may raise Money
Short View of the Reign of Henry III.
Of the Office of Lord Steward
Of the Office of Lord High Constable
Of the Office of Earl Marshall
Abstract of the Precedency between England and
Spain
Abridgment of the Records in the Tower
His Speech to the Lords of the Council
The Danger wherein the Kingdom now standeth,
and the Remedy
Coventry, Thomas Lord, Some notable Observations on
his Life and Death
Cromwell, Earl of Essex, History of his Life, Acts, and
Death

DIGBY, Sir Kenelm, Explanation of a Stanza in the Fairy
Queen
Drake, Nathan, his Collection concerning the Siege of
Pontefract Castle
Dudley, Sir Robert, Propositions delivered to his Majesty
for the Increase of his Revenue
Duke, Mr. his Verses spoken before the Queen
Durham, Description of the ancient Monuments, Rites,
and Customs of the Church
Origin of the See, and Succession of the Bishops
Durie, John, his Letter on the Pacification and Union of
the Calvinistical and Lutheran Churches

EDWARD the Confessor, his Legend, in French Verse

ENGLISH MANUSCRIPTS.

Egerton, Lord Keeper, his Letter of Advice to the Earl of Essex

Elliot, Sir John, his Petition when Prisoner in the Gate-House

Ellowis, Sir George, his Apology touching the Knowledge of Sir Thomas Overbury's Death

Elizabeth, Queen, Order of her Funeral
 Her Christening
 Her Reception at Cambridge
 A Prayer made by her
 Her Translation of Xenophon's Hiero

Empires, brief Survey of them

England, short Description

English Poetry, ancient—21 copies

Erasmus, S. his Legend, in English Verse

Eardswick, Sir Samuel, his Survey of Staffordshire

Essex, Earls of, Sir Henry Wotton's Parallal between Essex et Buckingham
 Papers relating to the Divorce
 His Charge against Viscount Wimbledon
 Letters written by and to the (first) Earl, and an Account of his Arraignment and Execution

FAIRFAX, Sir Thomas, his short Memorial of some Things to be cleared during his command of the Army

Fairy Queen, a Supplement to it, in Three Books

Fleetwood, Colonel, his Account of the Expedition to the Isle of Rhe

Florus, his Fourth Book, translated into English

France, Arguments for the Succession of the Kings of England to the Crown of France

Fuller, Notes out of his Holy War and Holy State

GAINSFORD, Thomas, The One and Twenty Battles of Yorke and Plantagenet, with the Life of Nevil, Earl of Warwick

Gardner, Bishop of Winchester, his Letter from the Tower
to the Protector

Genealogical Tables, of the Bourbon and other noble and
royal Families

Of the Kings of England, from the Conqueror to
Richard III.

Germany, Proceedings of the Diet

John Taylor's Negotiation in Germany

Gidding, Letter concerning the reputed Manners there

Goad, Roger, his Poem to Sir William More

Godolphin, Sydney, his Poems

Greville, Sir Fulk, History of Actions done in England

Grey, his Sayings presented to his Master the Duke of So-
merset

Hales, John, Letters to Mr. Ascham

His Oration to Queen Elizabeth

Halley, Edmund, his Letters to James II. with Newton's
Principia

Hannes, Edward, his School Exercises

Harringtons, Pedigree of

Harrison, Anthony, Collections relating to the Revenue of
the See of Norwich

Hearne, Thomas, Letter on the Life and Writings of Chaucer

Henley, George, Letter to his Brother

Henley, A. Miscellaneous Observations and Anecdotes
Poems

Henry, Prince, (Son of James I.) Manner of his Sickness
and Death

Heraldry, Descents, Marriages, and Arms of the Nobility,
from the Conquest to 1605

Collections from different Authors of Nobility and
Heraldry

Short Treatise on Heraldry

Morgan's Heraldical Collections

Arms of the Baronets, by Brooke

ENGLISH MANUSCRIPTS.

Heraldry, Collections relating to the Royal Family and Peerage of England

Arms and Pedigrees of several English Families

Tables of Precedency, Order of Funerals, &c.

Alphabet of Arms

Arms of the Nobility and Gentry, from the Conquest to James I.

Hooker's Heraldical Collections

Herbert, Westfaling, his Latin and English Poems

Hollis, J. his Letter to Lord Treasurer Cecil

Hooker, (alias Vowell) John, his Heraldical Collections

Howard, Henry, his Account of the Abdication of Charles V.

Hoy, Thomas, on the manufacturing of Sal-Ammoniac

Hudson Bay Company, their Memorials, with the Answer of the French Company

Hutton, Archbishop of Yorke, his Letter to Viscount Cranbourn

J. B. Bosworth Field, a Poem

J. H. Anarchy unveiled

J. R. The Spy, a Satire

Jackson, John, Collections of several Histories

Idle, Peter, his Instructions to his Son, in Verse

Jeffry, John, Letter to Bishop More

Jesuits, Minutes of Letters written by the Father Provincial in England

John, Zonaras, his Histories and Chronicles, translated by Lady Agnes Wenman

Ireland, Description of Ireland, by Sir Edward Waterhouse

A View of the present State of Ireland

Transcript of Letters Patent during the Lieutenancy of Lord Berkley

Collection of State Papers relating to the Affairs of Ireland, from 1590 to 1604

Kirk of Scotland, Act of General Assembly for abolishing Episcopacy

Kirk of Scotland, Recantation of the Bishop of Orkney
Knight, S. Letter to Bishop More
Knyvet, Sir Thomas, Poems and Translations
A Macaronic Poem against him

LANE, Thomas, Collections from various Authors
Lestrange, Sir Roger, his Letter to Sir Christopher Colthorpe
Lillye, a perfect Survey of the English Tongue
Lillie, John, Two Petitions to the Queen
Lincoln, Charter granted by Charles I. to the City of Lincoln
Lisle, William, his Letter to Sir Henry Spelman
Livington, John, Notes of his Life, written by himself
London, Report of the Lord Mayor and Corporation, concerning the Customs of the City
Order of a Watch
Lydgate, John, Poems, &c.
Chronicle of the Wars between the Grecians and Trojans
Lydgate, Thomas, Letter to Sir Henry Spelman

MANDEVILE, Sir John, his Journey to the Holy Land
Margareta, S. her Legend, in French Vefse
Mary Queen of Scots, Extracts of Morgan's Letter to her
Inventory of Letters, and State Paper relating to her
Account of what passed between the King and her at Glasgow
Charge exhibited against her by the Regent, for the Murder of her Husband
Information against her for the Murder of her Husband
Confession of Hebworne and Hey
Proof of the Intention of the Duke of Norfolk to marry her
Draft of her Will
Lenox's Discourse of his Son's Usage

Noy, William, his Will

OATH of Allegiance, Twenty Arguments against it

O'Brieu Family, Account of, by Dennis Molony

Offices, A General Collection of the Offices of England

Oldfield, Sir Anthony, Collection of Letters relating to the

Affairs of the County of Lincoln

Overbury, Sir Thomas, Proceedings against Weston and
others, for the Murder of Sir T. O.

PACKINGTON's, Lady, Certificate that she was the Author
of the Whole Duty of Man

Parkhurst, Mathew, Letter to Bishop More

Parkhurst, Bishop of Norwich, Collection of Letters written
by and to him

Parliament, Journals, Speeches, Debates, &c.

Pedigrees of several Noble Families in England

Peiresius' Letter to Sir Henry Spelman

Peyton, Sir John, First Part of his Observations during his
Travels

Philips, Francis, his Petition in behalf of his Brother Sir
Thomas Philips

Philips, Samuel, his Controversy with Mr. Edward Gwyn.

Pierce, Plowman, his Visions

Powell, the Breath of an unfeud Lawyer

Prideaux, Dr. Letters to Bishop More

QUARLES, Francis, his Dream

RALEIGH, Sir Walter, Dialogue on the Prerogative of
Parliament

His last Speech, Letters, &c.

His Arraignment and Execution

His Son's Petition for him

A Discourse concerning Peace with Spain

Revenue, Statement of in the Reign of James the First

Sandes, Archbishop, A brief Discourse concerning his Troubles and Deliverance

Sayings of the Philosophers

Scott, John, his Account of the University of Cambridge

Scott, Thomas, a Relation of his Murder, and two Funeral Elegies upon him

Selden, Mr. The Privileges of the Baronage of England

Sidney, Sir Philip, Letter of Advice to his Brother His Arcadia

Smith, Richard, A Treatise on the Invention of Printing

Smith, William, Letter to Queen Elizabeth

Somers, Collection of Proverbs, Controversial Divinity, &c.

Somerset, Order relating to the Peerage of the Earl of Somerset

Tragical History of the Duke of Somerset

South, Robert, A Poem, called Musica Incantata

Spain, State of Spain

Spelman, Sir Henry, Letter to Captain North
Letter to Mr. Abraham Wheelock

Stapleton, Robert, Letter to Mr. Floyd

Star Chamber, Decrees, Trials, &c.

Storie, Dr. The Life and Death of Dr. Storie

Succession to the Crown, Defence of the House of Scotland against the Title of the House of Suffolk

Suffolk, Earl of, Letter to Sir Thomas Overbury
Accounts of James Earl of Suffolk

Surrey, Collections from the Public Records relating to this County

TANNER, Thomas, Letter to Bishop More

Tate, Francis, Of the Antiquity of Cities

Throkmorton, Sir Nicholas, Letter to Nicholas Strange

Tilston, Jo. Pedigree of Sir James Harrington

Tomkinson, P. A Description of Rome and of the Jesuits

Tyrrell, Sir Edward, Fine of a Baronetship

APPENDIX

TO THE

ENGLISH MANUSCRIPTS.

AUDELEY, Law Readings

BALAAM's Ass, a Political Dialogue

Bartlet, Mr. Law Readings

Bates, Dr. his Receipts in Physic

Beaumont's Verses on Melancholy

Bell's Law Readings

Bell, Sir Robert, his Oration for Succession

Bendloes, Sergeant, his Reports

Bible, Wickliffe's Translation

Acts of the Apostles, 754. 3

Epistles, Acts, and Revelations, 1577

New Test. 1562. 1927. 2125

Bill, Dr. his Letter to Mr. Ascham

Blanchard's Law Proceedings

Bower, Tho. Law Readings

Buckingham, Duke of, sundry Verses and Papers relating to him

Burton, Drue, Collections out of Tacitus Lusitanus; of Ludovicus Mercatus, and Zaccheus

C. W. Sermons on the Divinity of Christ

Cacodaemon, or the Hobgoblin, an Inquiry into the Doctrine of Devils, maintained by modern Witchmongers

APPENDIX.

**Calles', Robert, Readings on the Statute and Commission
of Sewers**

**Minister's Plea for an Indictment for reading the
Common Prayer**

**Acts and Charters of the Town and University
Carlisle, Christopher, a new Version of the Psalms**

Carey, Sir George, Cases in Chancery

Carolus V. his Speech on his Resignation

Cazil, Heads of Sermons

Cheisnell, Mr. Law Readings

**Cherhill, Court Rolls of the Manor of
Chancery, Rules, Orders, and Forms of Proceeding
Notes of Petition, with the Answers of the
Lord-Keeper**

Cheek, Sir John, Letter to Mr. Ascham

**Chester, Precedences, Precedence of the Chief Justice
Particulars of the Grants by Queen Elizabeth to
the Church**

Chymistry, Collection of Chymical Operations

Church Discipline, Treatise on

Church-Minshull, the Myse of

**Cistercian Order, Histor. Account of its Establishment by
Rene Guibert**

Claude, Mr. on the Composition of a Sermon

Cloud of Unknowing

**Coasts of England, Remarks on their Bearings and Sound-
ings**

Coke, Sir Edward, Treatise on Bail and Mainprize

**Cookery, Mr. Henry Harcourt, Receipts in Cookery
Ancient Book of**

Courts of Law, a Treatise on

**Crew, Lord Chief Justice, Notes of his Speech, when
sworn Chief Justice**

Crosset, John, Meditations for every Day in the Year

**Crown Lands, Accounts of Receivers, Surveys, Rentals,
Grants, Sales, Leases, &c.**

675

TO THE ENGLISH MSS.

Crown Law, Treatise on
Cunningham, Alexander, his Letter to his Nephew

DIGEST, alphabetical Digest of the Laws of England
Dinley, John, his Oration at the Funeral of Sir Albert
Morton

Divinity Common Place Book

Doddridge, concerning Stability according to Law

Considerations of the Office and Duty of an
Herald

Method of the Study and Practice of the Common
Law

Exhortation to a Jury

Dorsetshire, Names of Sheriffs

Dudley, Law Readings

Duel, Proceedings between Donald Lord Rey and David
Ramsey

Duppa, Dr. his Sermons

Durie, Compend. of his two Vol. of Pratiques

E. L. New Discovery of the Old World

E. W. Anti-Goliah, with MS. Notes

Earl Marshal's Court

On the Authority of the Court

Proceedings against Lynch and others

Their Petition to the House of Commons

Earl, Thomas, his Note Book

Eccles. Courts, Collection of Proceedings therein

Elton, Edward, Censure of his Book entitled, God's Holy
Mind

Eglisham, George, his Forerunner of Revenge

Enfield Chace, Survey of

England and Sweden, Project for the Union of the Churches
of

Enontekis, a Description of the Parish of

APPENDIX

**Erasmus, Translation of his Discourse on God's Mercy, by
Robert Warren**

**Everard, Dr. The Letter and the Life, or the Flesh and the
Spirit**

**German Divinity, the Vision of
Ewens, Matth. Law Readings**

Exchequer, short Compendium of the Court of

F B. his Book of Arithmetic

Farriery, Treatises on, in Old English

Fenlin, Dr. Sermons

**Ferrers, Charles, Collection of Receipts of chemical Ope-
rations**

Fishing, a delectable Discourse on

Fitzherbert, Abridgement of Reports, with Table

**Fleetwood, Recorder, historical and legal Discourse upon a
Case taken out of**

Forest Laws

Charge to a Jury

**Proceedings at a Justice Seat for the Forest of
Deane**

Charges, &c. in the Court of Waltham Forest

Fortification, Treatise on

Free Trade, a brief Discourse concerning

Fowick, Law Readings

GALEN, some Treatises by

Gardiner, Samuel, Platform of Prayers

**Gataker, Thomas, a Letter to a Friend concerning his spiri-
tual State**

Gilbert, Law Proceedings

**Gilmour, Sir Andrew, Abridgement of Scots Acts of Parlia-
ment**

Godfrie, his Reports

**Goodladd, James, Exposition of the Romish Catechism
Grants**

Graye, Mr. his Sermons

Gwyn, Edward, his Controversy with Samuel Philips concerning the *opposition*, and about St. Austin and St. Barnard

Gybbes, William, his Law Readings

H. C. An Inquiry, whether St. Peter was ever at Rome

Haddington, his Book of Practiques, alphabetically digested

Hampole, Ricardus, among various Treatises in Latin by him, there are some English Papers

Harcourt, Hen. his Receipts in Cookery

Hare, John, Collection of Decrees made in the Court of War

Harsenet, Dr. his Sermon on Universal Grace

Hastings, Thomas, Process against him in the Spiritual Court for Incontinency

Hawking

Hetler, his Reasons, why he should be restored to his Place among the Serjeants in Gray's Inn

Hellis, Henry, a Treatise on the Propagation of the Gout

Hobbart, Reports

Holland, Observations setting forth the Reason and Form, and by whom the Revolt of Holland was accomplished

Howard, Henry, his Account of the Abdication of Charles V.

Hoy, Thomas, on the manufacturing of Sal Ammoniac

Hudson's Bay Company, their Memorials, with the Answers of the French Company

Hull, Eleanor, Exposition on the Seven Penitential Psalms

Meditations on the Seven Days of the Week

Hutton, Archbishop of York, his Letter to Viscount Cranbourne

•

J. B. Bosworth Field, a Poem

J. R. The Spy, a Satire

Jackson, John, Collection of several Histories

Idle, Peter, his Instructions to his Son, in Verse

579.

TO THE ENGLISH MSS.

Mulcaster, Earl of, The Temple of Death

NICHOLS, Henry, Certain wonderful Works of God which
happened to H. N. from his Youth

North, Lord, Some Notes of his Life, and occasional Dis-
courses and Meditations

OVERBURY, Sir Thomas, Proceedings against Weston and
others, for the Murder of Sir T. O.

PACKINGTON, Lady, Certificate that she was the Author
of the Whole Duty of Man

Parkhurst, Bishop of Norwich, Collection of Letters written
by and to him

Patrick, Bishop of Ely, Paraphrase of the Ninth Chapter of
the Epistle to the Romans

Peyton, Sir John, First Part of his Observations during his
Travels

Plowman, Pierce, his Visions

Powell, Thomas, the Breath of an unfeud Lawyer

Prideaux, Dr. Letters to Bishop More

ROBERT of Gloucester, Chronicle, and Continuation

Romances, The Romance of Jason

of King Arthur

of the Monk

Roper, William, Life of Sir Thomas More

Ryniar, James, Hymns in Praise of the Virgin

Rynevile, Samuel, Summary Collection of true natural
Magic

S. W. The Life of Faith in Death

Sandes, Archbishop, A brief Discourse concerning his
Troubles and Deliverance

Scott, Mr. Vox Populi, or News from Spain

APPENDIX, &c.

Scott, John, his Account of the University of Cambridge
Scott, Thomas, a Relation of his Murder, and two Funeral
Elegies upon him

Sidney, Sir Philip, Letter of Advice to his Brother
His Arcadia

Shrewsbury, Law and Customs of the Town, with a Cata-
logue of the Bailiffs

Smith, Richard, A Treatise on the Invention of Printing
Somerset, Tragical History of the Duke of Somerset

TOMKINSON, A Description of Rome and of the Jesuits

VALOY, Sir Robert, his Account of his Journey into Eng-
land, and Imprisonment at Brussels

WHEELOCK, Abraham, his Correspondence with Sir Henry
Spelman and Mr. Thomas Adams

Wilsley, Geo. Letter from the Devil to the Pope

Wolsey, Cardinal, his Life, by Cavendish

Wickliff, Translation of the Bible
of the New Testament

An Exposition of the Epistles and Gospels for
Sundays

On having the Scriptures in the Vulgar Tongue

N. B. There is a more beautiful copy of Wickliffe's
Translation of the whole Bible, and another of the
New Testament, in Emmanuel College Library, as
noticed in the proper place. There is also an entire
version of the O. and N. Test. and of the four Gos-
pels, by Wickliffe, with most of his writings, in
MS. in Abp. Parker's Libr. Ben. Col.—There is
no list of the Eng. MSS. of the Public Library in
Catal. MSS. Angl. & Hib.—A few of the above
pieces are now in print.

Oriental Manuscripts

IN THE

PUBLIC LIBRARY.

CATALOGUS Librorum Orient. MSS. Nummorum
aliorum, quibus Academæ Cantabr. Bibliothecam locu-
pletavit Rev. Vir Georgius Lewis Archideaconus Me-
densis 1727.

1. Rauzat Essafa: i. e. Hortus Claritatis; Historia Uni-
versalis a Mahomed Ben Khaswand Shah Persice scripta,
septem tomis; quorum tres primi, hoc volumine contenti, et
charactere qui Nask dicitur, conscripti, res gestas narrant a
Mundi Creatione ad Tempora Chalifæ Elmonstansor Billa
Abu-Giasar Ben Mansoor Estahir. Fol. Chart.
2. Dictionarii Persici (Berhān Kataah dicitur) Pars
Prima.
3. Dictionarii Pars Secunda.
4. Historiæ, Rauzat Essafa dictæ, Tom. 4.
5. Rauzat Essafa dicta, Tom. 5.
6. Rauzat Essafa dicta, Tom. 6.
7. Habeed Essayar, sive Historia duodecim primorum
Islamismi Pontificum Sectæ Persicæ.
8. Tooteh Nama: i. e. Psittaci Historia.
9. Berhau Khataah: i. e. Argumentum decisivum, Dic-
tionarium Persicum absolutissimum.
10. Ganz ul Lughat: i. e. Thesaurus Verborum, sive
Lexicon Arabico-Persicum per modos Infinitivos (Arabicas
Sc. Radices) digestum.

27. Dewan e Hafiz: i. e. Opera præstantissimi poetæ Hafiz.

28. Inshai Abul-fazel: i. e. Formulare de Conscribendis Epistolis.

29. Goolistan: i. e. Floretum, sive Rosarium, auctore Sheic Saadi, eximio inter Persas poeta, et Philosopho.

30. Tractatus de Rythmis Persicis et Versuum Scansione.

31. Poemata quædam Sheich Saadi.

32. Tareek Vazirat: i. e. Historia et Elogia quorundam Viziriorum.

33. Ousaph Nama Aureng-Zeb: i. e. Liber de Laudibus Imperatoris Aureng-Zeb.

34. In hoc Volumine continetur Liber Abul Fazel de Conscribendis Epistolis, una cum Jesoophi Libro, De Arte Medica et Medicamentorum Compositione, atque de Secretis septem Chemicorum.

35. Diwan e Hafez: i. e. Opera poetæ Hafez.

36. Diwan e Rehai: i. e. Opera Rehai poetæ Persici.

37. Diwan e Akberee: i. e. Opera Akberee poetæ Persici.

38. Carmina poetæ Abu Turah Beg. Quædam etiam poetæ Giami de Rebus Divinis et Mysticis, Persice, Codex scriptus.

39. Khiah Seiph almulk: i. e. Regni Gladii Historia, Principis sc. cuiusdam Historia, qui Regni Gladius appellatus est, Poema Indicâ Linguâ scriptum.

40. Khaifah Ambeia: i. e. Prosodia Persica.

41. Taaveezat: i. e. Incantationum Liber.

42. Amad Nama: i. e. Modus Conjugandi Verbum Amad. In hoc etiam Libro Verba Persica et Indica secundum Modos et Tempora, inter se comparantur.

43. Naseeb Sibian: i. e. Pensum Puerorum, in quo Vocabula Alkhorani Arabica in usum puerorum Persice explanantur.

44. Vita et Elogia Prophetæ Mahomedis: Codex Arabicus.

45. Codex Al-Khorani *præclarissimus.*

46. Quatuor Evangelia Persice, scriptus Codex.

Dr. Buchanan's Eastern MSS. are classed generally thus:

I. Hebrew MSS.—Pentateuch,—Esther,—Gad,—Ahasuerus,—New Testament,—Acts and Epistles,—Rabbinical Books.

II. Syriac MSS.—1. Old and New Testament,—2. Pentateuch,—3. Historical Books,—4. Prophetical Books,—5. Apocryphal Books,—6. Gospels,—7. Acts and Epistles,—8. Psalters,—9. Liturgies,—10. Miscellaneous.

III. Æthiopic MSS.—St. John's Gospel.

IV. Chinese Persian MSS.—Official Letters.

V. English Letter to Sir W. Jones; from Ezra Styles, President of Yale College, in America. Dated Jan. 18, 1794. Received by the Society, after the death of Sir Wil. Jones. Fol. 148 pages. Bound in Russia. In the title-page is written, *not published*. The subject is the Indian Chronology and Mythology.

More particularly, Dr. Buchanan's MSS. are, as follows, 1809:

1. Pentateuchus Heb. Class Oo. i. 3.—This MS. on a roll of goat-skin, dyed red, was found in the Record Chest of the Black Jews, in the interior of Malayala, in India, in the year 1806; of which a more particular account will be found in the following pages—587, 588, 589, 590.

2. Megillath Esther. Class Oo. i. 4. A fine MS. Roll of the Book of Esther, brought also from one of the Synagogues of the Black Jews in India. It is a vellum roll, covered on the back with silk, and mounted with a roller. It has the same peculiarities as the former, but has not been collated (1809).

3. Megillath Esther. Oo. i. 5. A small parchment roll, containing 26 columns in squares of a hand's breadth, modern, yet written without points. It however retains the Masoretical distinctions which are in the above-noticed roll.

Words of Gad the Seer. Cl. Oo. i. 20., or Book of Gad the Prophet, a paper Book in 4to. and is only a transcript,

written probably for private use. This also was obtained from the Black Jews in India, written in 1771.

4. Megillah Ahasuerosh. Oo. i. 20., or the Roll of Ahasuerus, and is found to be no other than the Book of Esther; or that part at least inserted in the Apocrypha. In the English version this book is prefaced in the following manner: This is the book of Esther, at least that part of the book, that is inserted in the Apocrypha. The rest of the chapters of the Book of Esther which are found neither in the Hebrew nor in the Chaldee.

5. Novum Testamentum Hebræum. Oo. i. 32. A paper Book, small 4to. written in the Rabbinical character. It contains all the Books excepting the Revelations. It is a version in the Chaldaico-Hebrew dialect, and said to have been made by some Chaldaic Jew, to whom the Syriac text of the N. Test. was known, but neither the person, place, nor time, is expressed in this copy. The much-disputed text of 1 John, v. 7, is found in it.

Acta Apostolorum, or Epist. Heb. Oo. i. 16. A large 4to. Vol. written in the square Hebrew character, containing the Acts, Epistle to the Romans, 1 and 2 Corinthians, Galatians, and Ephesians; also the Revelation of St. John, in the Rabbinical character.

Seder Tephilloth, Ordo Precum, or Hebrew Liturgy. It is imperfect; obtained from the Black Jews in India. Class, No. 42.

Commentarius in Pentateuchum Heb. No. 46. A small folio, imperfect (about 600 pages), and without a title; not known whether it is extant in print.

Commentarius in Pentateuchum Heb. No. 19. A 4to. Book, containing about 600 pages, supposed to be not in print.

Commentarius in Pentateuchum Heb. No. 34. A 4to. Book, imperfect, in the Rabbinical character.

Parashath Beresheith, No. 35. A Commentary on the Book of Genesis, small 4to. perfect, no date, in Rabbinical character.

Orach Haiim; Semita Vitæ. A Treatise of Practical Rules, according to the Jewish Institution, 4to. Rabbinical character. N. 30.

Halchoth Haiim; Regulæ Vitæ. A Treatise of Rules according to the Jewish Institution, 4to. Imperfect. N. 33.

Likute Joseph; Collectanea Josephi, or Selections from the Talmud.

Joreh Daah, &c. N. 38. Containing directions about slaying and slaughtering of Beasts.

Sepher Machalmoth; Relatio Somniorum. This is a book bound up with N. 20, and is a Hebrew Translation, made by a learned Jew in India, of a Dream written by a learned Christian in London, containing a prophecy of the events to happen to Europe, which he characterizes by the name Babylon.

Liber Cabalisticus, tractans de Nominibus Divinis; written beautifully in the Rabbinical character; an Indian copy. N. 24.

Sepher Ginnath Eguz; Liber Cabalisticus: treating on the divine names. By Rabbi Joseph Gecalilia. Beautifully written in the Epistolary Rabbinical character.

Historia Judaica. Written in Rabbinical Hebrew; bat it is not clear to what part of the Jewish history it relates. N. 37. In the Epistolary Rabbinical character.

N. B. Many Hebrew printed books were given by Dr. Buchanan.

BUCHANAN EASTERN MSS.

THE above list having been given in the 36th number of the Classical Journal, it has been here reprinted, with corrections and additions. Before I proceed to Dr. B.'s other Eastern MSS. I beg leave to make a short pause, in order to

and that the former must be more ancient than the latter by several centuries. But there is less difficulty in fixing the age of Greek manuscripts than of Hebrew, for the following reasons. It is known, by inscriptions*, that the most ancient Greek manuscripts must have been in the square character (or Uncial, as they are called) and the progress may be gradually traced from the Uncial to that of the smaller size. Add to this, that a few years later there are Greek manuscripts with a specific date, and by these the ages of others may be pretty correctly ascertained. So that though the very best critics may, perhaps, be mistaken by a century or two, in giving their opinion as to the precise age of the most ancient Greek manuscripts (and they have given different opinions), yet, in following the rules laid down by Montfaucon, they would probably not go very wide from the truth.—Vid. Montfaucon's *Palæographia Græca*.

But the age of Hebrew manuscripts cannot be ascertained by these rules. They are written in a large *unabbreviated* character, (I am not speaking of the Rabbinical Hebrew) and they are all, (I am speaking of the most ancient manuscripts) without dates. Dr. Kennicott supposes, that the oldest Hebrew manuscript is not beyond the age of 800 or 900 years. See his *Dissert. Generalis*.

All that can be ascertained of Hebrew manuscripts, is, Whether they are written in a character more or less square, (according to the Spanish, Italian, or German mode of writing)†; Whether they have, or not, the points and accents, &c. and the marginal notes called *keri*; Whether or not they are written in columns, with all the spaces and other peculiarities of the most authorized copies; and whether the skins are ornamented, or not, with the *corona* at the top of some of the letters;—and in short, Whether

* *Antiq. Asiaticæ Christianam Eram Antecedentes, &c. per Edmundum Chishull.*

† John Bern, ac Rossi de Hebr. Typ. orig. ac Primitiis, &c.

as that *great desideratum*; and if, according to the present collator, it differs in nothing material from the western copies, whether Jewish or Christian.

But our present business is not so much with criticism as with statement: we shall, therefore, hold to our readers the balance, as it were, of opinions, by presenting them with a copy of a note, from the Rev. Dr. Marsh, Bishop of Peterborough, Lady Margaret's Professor, to the Collator, Mr. Yeates*.

"A manuscript roll of the Hebrew Pentateuch, apparently of some antiquity, and found among the black Jews in the interior of India, must be regarded at least as a literary curiosity, deserving the attention of the learned in general. And, as this manuscript appears, on comparison, to have no important deviation from our common printed Hebrew text, it is of still greater value to a theologian, as it affords an additional argument for the integrity of the Pentateuch. The Hebrew manuscripts of the Pentateuch preserved in the West of Europe, though equally derived, with the Hebrew manuscripts preserved in India, from autographs of Moses, must have descended from it through very different channels; and, therefore, the close agreement of the former with the latter is a proof, that they have preserved the original text in great purity, since the circumstances, under which the manuscript was found, forbid the explanation of that agreement on the principle of any *immediate connexion*. It is true, that as this manuscript (or rather the three fragments of which this manuscript is composed) was *probably* written much later than the time when the Masoretic text was established by the learned Jews of Tiberias, it *may* have been wholly derived from that Masoretic text; and in this case it would only afford an argument, that the Maso-

* Collation of an Indian Copy of the Pentateuch, &c. by Thomas Yeates. Cambridge, 1812.

the seventh is lost, as also is Book eighth. It is said to have been given by the patriarch of Antioch, of a former period, to an Indian church. A more critical account of this is given than of any other. There are drawings prefixed to the books: to the books of Clemens is a drawing, wherein is written, St. Clemens, disciple of St. Peter, with a book in his hand.

2. The Pentateuch; folio, in a large Estrangelo character. No. 8.

3. The Pentateuch; a Nestorian copy, in small quarto. No. 26.

4. The Pentateuch; a Nestorian copy, in small quarto. No. 27.

5. Lib. Hist. Vet. Test. No. 10. Nestorian copy; containing Judges, Samuel, Kings, 1, 2. Proverbs, The Wisdom of Jesus, the Son of Sirach, or Ecclesiasticus, Book of Ecclesiastes, Ruth, Song of Solomon, and Job, in small quarto. No. 10.

6. Lib. Hist. Vet. Test. Esdras, second and third of Maccabees, Esther, Chronicles, Ezra, and Nehemiah, large quarto. No. 14. Written 1794.

7. The major and minor Prophets, in the Estrangelo hand, in folio. No. 7.

8. The major and minor Prophets, The Story of Susanna; a Nestorian copy, in quarto. No. 18.

9. Liber Sapientiae, or Book of the Wisdom of Solomon, 8vo. No. 99; and in the same volume, Liber Sapientiae, Filii Sirach, or Ecclesiasticus.

10. The Four Gospels, with the Acts of the Apostles, in quarto. No. 25.

11. Acta Apostolorum, Catholic Epistles of James, Peter, and John, in quarto. No. 31; and also Paul's Epistles.

12. Acta Apostolorum et Apocalypsis. No. 21.

13. Lectiones ex Novo Testamento. No. 17.

14. Psalterium. No. 22.

Wellesley, Governor-General of India, &c. Dated Calcutta, 20th Sept. 1804.

The reader is desired to take notice, that to the end of the account of Dr. Buchanan's Eastern MSS. is to be added another *Historia Judaica*, which contains the History of the Jews of Malabar, and the Origin of the black and white Jews in India, in 24 chapters: thin octavo, in the Rabbinical character. No. 23.

Add also, Sepher Saphirim, or Origin of the Jews of Malabar, being a Hebrew Translation of the Historical Collections, written in the Portuguese Language, by Order of Abraham Mohens, Governor of Cochin. No. 47.

Sepher Saphirim, being a correct Translation of the former.

Kedosheim Malabar, or New Account of the Origin of the Jews of Malabar from the Time of the Destruction of the Temple of Jerusalem.

Chalkoth, N. 45, 4to. imperfect; written in the Rabbinical character.

Anecdotes of Malabar History: translated from the Hebrew, by Mr. Crool, of Cambridge.

P. S. Since communicating the above article to the *Classical Journal*, I have corrected some errors which occur in that communication, as well as in the other articles, which relate to the Cambridge MSS. and having had the opportunity of a further perusal and consideration of the Goatskin Pentateuch, I beg leave to subjoin a word or two more concerning its antiquity.

On conversing with persons employed in manufacturing goatskins, (the profession is called *Spanish leather-dressing*) I find the testimony to the goatskins' receiving more deeply the impression of ink, and of retaining its brightness longer, confirmed. This argument, therefore, may be allowed to retain its proportionate weight in favour of a certain degree of antiquity in this Pentateuch. Still it would be

verbal, from the earliest even to the present time. I have been in company, in London, and very lately, with an eastern Jew, who came from a place near Genesareth, a few miles from that where Christ was born. He was not 30 years of age, and had been in almost every principal town in Europe: and there would be nothing surprising in a Jew's conveying a Pentateuch, or twenty Pentateuchs, from Italy or Spain to India.

We have seen that the testimony of the present learned Lady Margaret's Professor, as to the character of this Pentateuch, reaches a bare possibility, and, from his acquaintance with ancient MSS., very cautiously expressed. The probabilities appear to be the other way. On the general expulsion of the Jews from Spain, under Philip, many went to the East—or, finally, if an Hindostan merchant, having transactions in Africa, could obtain thereby an Æthiopic Evan. Johan. (see p. 595) why might not a Jew, a Goatskin Pentateuch, through the same means?

GREEK MANUSCRIPTS

IN THE

PUBLIC LIBRARY OF THE UNIVERSITY OF CAMBRIDGE.

* * * This list is selected from the Nasmyth Catalogue. But, N. B. the Greek MSS. and Eastern are here intermixed. The Eastern MSS. are left undescribed; and will, I conclude, of course include the Eastern MSS. given by the Duke of Buckingham, which I have noticed elsewhere, and of which I am not aware there is a distinct Catalogue. The asterisk* intimates, that the article is entirely manuscript, and Greek; the Greek letter *, that the book is a printed one, but with MS. notes.

Vetus et Novum Testamentum *. 2622. cum notis Manuscriptis.

Archimedes de Mensurat. Circuli 1447. 5.

Dd. viii. 51. Codicellus Chartaceus in Folio, Callimachi Fragmenta, Viro doctissimo, Thoma Stanleio, Armingero, collecta et digesta, una cum notis eruditis in eundem poetam: liberaliter communicavit Edwardus Sherburn, eques auratus, Kal. Apr. MDCXCVIII.

Dd. ix. 13. Codex est Orientalis.

Dd. ix. 69. Codex est Græcus Chartaceus, in quo continentur Quatuor Evangelia. Præmittuntur Canones Eusebiani Scripti A. M. 6805, qui juxta computationem Ecclesiæ Anglicanæ respondet Anno Redemptionis humanæ 1297: secundum vero computationem Ecclesiæ Constantinopolitanæ A. 1313.

Dd. x. 46. Codex est Orientalis.

Dd. x. 5. 54. Codex est Græcus in vetusta manu scriptus membranaceus in 4to. sed ακιφαλος και μειουρος.

Aristides in Eteonem Sermo Funebris. 678. 50. de Musica 2032. Scholia, also, and Commentaries on Aristides.

Aristophanis Plutus et Hephaestæ cum Schol. &c. 2520. —other plays, also.

Aristotelis Excerpta. 191. 8. 4. 7. 9. 10. 17.

Rhetorica 1282. Ethica et Economica 1864. Scholia et Metaphysica 2035. 1. 2.

Dd. 56. Codex est Græcus in 8vo. Τα Ερωτηματα Μανηλ Μουχούσλου.

Dd. xi. 54. Codex est Græcus Bombycinus, in 4to. minori, in quo continentur manibus diversis scripta, Analecta ex Luciano, Libanio, aliisque auctoribus.

Dd. xi. 65. Codex Chartaceus, in 4to. Compendium Græcæ Grammaticæ a Thoma Stanleio.

Dd. xi. 70. Codex est Græcus, in 4to. partim in Membranis, partim in Charta scriptus: continet varias observationes de Dramate, Metris, et Dialectis, Aristophanis, Sophoclis, et Euripidis, cum Hephæstione.

Dd. xi. 90. Codex est Græcus vetusta manu scriptus,

forma fere quadrata, initio et fine mutulus, in quo continentur Actus Apostolorum, et Epistolæ Catholice et Paulinae.

Dd. i. 2. Codex est Orientalis.

Dd. i. 23. Codex est Orientalis.

Dd. i. 24. Apocalypsis, sive Revelatio Sancti Johannis, clausulis Græce et Anglice factis data, quæ ex Græco Anglice sit perlegenda, vel ex Anglico Græce, una cum notis marginalibus Græce, locutionum formas a LXX. interpretatione derivatas esse demonstrantibus.

Aristoxenus: Harmonica. 2052. 1.

Athanasius; Contra Apollonarium 54. 34.—various other pieces of Athanasius.

Athenæus de Machinis * 2183. 41.

Barnabas; Apostolus, 2183. 53. Epistola.

Basilius 191. 8.

Epistolæ 1381. 16.

Dd. ii. 22. Codex est Græcus Membranaceus, literis minutis et cursivis scriptus anno qui coincidit cum Anno Æræ vulgaris Christi 924.

Dd. ii. 47. Codices sunt Orientales.

Dd. ii. 51. Codex est Græcus in 4to. A. Redemptionis humanæ sex centesimo super millesimum in Urbe Constantin.

Dd 52—54. Codices sunt Orientales.

Dd. iii. 3—8. Codices sunt Hebraici.

Dd. iii. 22, 23. Codices sunt Orientales.

Dd. iii. 50. Codex est Græcus in 4to Membranaceus, manu vetusta scriptus, *αὐτολος και μεμπος*, continens, 1. Iohannis Climaci Scalam Paradisi. 2. Scolia ad eandem. 3. Προς την Πειμανα. sive ejusdem Librum ad eundem.

Basilii Patricii Naumachica. 2183. 49.

Dialecti Græci 694. 32, 33.

Dionysius Perigesis 336. 15. 37.

Dionysii Alexandrini. Epist. 336. 151. 1039. 17.

Dositheus, Excerpta e Glossario 2183. 44.

Dositheus Patriarcha Hierosolymitanus; Excerpta ex Operibus ejus 2182. 567.

Ephraim Syrus; Homiliæ, 2570.

Ephorus; Excerpta ex Historia ejus 2183. 39.

Dd. iii. 54. Codex est Orientalis.

Dd. iii 79—82. Codicelli sunt Orientales.

Dd. 86. Tract. Miscell. arte Bibliopegi non illigati, sed inter se conjuucti: multum habent Anglice scriptum, quædā in (9, 10, 11,) Græce.

Dd. iv. 1—4. Codices sunt Orientales.

Dd. iv. 7—10. Codices sunt Orientales.

Dd. iv. 16. Codex est Græcus in 8vo. A. 1441. in Chartis scriptus: varias Aristotelis et aliorum Dissertationes continet.

Dd. 31, 32. Codices sunt Orientales.

Dd. 47—49. Codices sunt Orientales.

Hero; De Nominibus Geometriæ 173—other tracts by.

Herodotus; Histor. 2510.

Hesiodus; Op. & De. 2533. 3. Variantes Lectiones 2568. 1.

Josephus; duo Libri contra Appionem 2175. 1, 2.

Homerus. Scholia in Iliadem 694. 18, 19, 21.

De Homero 1381. 22.

Scholia in Odyssea 2303.

Chrysostomi Expositio in Psalmos 1199. 1203. 1773, and other tracts of his.

Dd. 47—49. Codices sunt Orientales.

Dd. v. 10, 11. Codex Orientalis.

Dd. v. 17. Codices Orientales.

Dd. v. 29. Codex est Græcus Chartaceus in 4to. continens Analecta ex variis Codicibus Manuscriptis, manu clarissimi viri Humph. Wanleii exarata.

Dd. v. 34—43. Codices sunt Orientales.

Dd. v. 48. Codices Orientales.

Dd. vi. 16. Codex Orientalis.

Dd. 18, 19. Duo Codices nitidissime in Chartis Scripti,

GREEK MANUSCRIPTS.

quibus continentur Analecta viri cuiusdam eruditii e diversis Codicibus MSS.

Codices vi. 20—22.

Dd. vi. 24.

Dd. vi. 26.

Dd. vi. 64.

Dd. vi. 66.

Dd. vi. 91.

Codices Orientales.

Dd. vi. 84. Codex est Græcus in duodec. manu neotERICA in Chartis Scriptus.

Euripidis Epistolæ 191. 6.

Scholia in Euripidem 694. 3. 7.

Hecuba et Orestes cum Scholiis 2255.

Hecuba et Orestes 2530. 1. 3.

Hecuba et Orestes 2531.

Epictetus 1905. 1.

Etymologicum Græcum 2051.

Elementa Geometriæ 1354.

Euclides Euthumetricæ 173. 9. 4.

Optica et Catoptrica 1447. 8. 15. 17, 18. 2525.

Phavorinus 2183. 50.

Gabrias; Fabalæ 1905. 3.

Galen De Victu, & curationibus 1227. 6.

Gennadius; Epist. contra Simoniam 1039. 59.

Geoponica 173. 10.

Georgius Gemestius de Virtutibus 191. 1.

Gregorius Nazian; Epist. Canon. 1039, 40. TestamenTum 2037. 14. Homiliæ 2471. 1—19. Other pieces of his.

Gregorius Nyssenus Epist. Canon. ad Litorium 1039.

52. De Hominis opificio 2175. 13.

Harpocrat. Lexicon; 258.

Hephæstion; Enchiridion 694. 34.

Herodotus; Historiæ cum notis MSS. Thomæ Gale.

Johannis Taylor.

Jos. Scaliger et Dan. Heinsii.

Herodotus : Historiae cum notis MSS.

Emendationes in Herodotum.

Hesiodus, Opera et Dieg.

Variantes Lectiones.

Hesychius, Hierosolymitanus, Sententiae ad Theodulum.

Adversaria Thomae Stanleii in Hesychium.

Hierocles, collatus a Johanne Taylor cum MS.

Homerus : Ilias cum notis MSS. Johannes Taylor.

Odyssea cum notis MSS. ejusdem.

Analecta Johannis Taylor in Homerum.

Ilias et Odyssea cum notis MSS.

Josephus ; Opera cum notis MSS.

Julius Pollux, Onomasticon, cum notis MSS. Isaaci Casavboni

Longinus de Sublimi, cum notulis MSS. Johannis Taylor.

Lycurgus ; Oratio contra Leocratem, cum notis MSS. Johannis Taylor.

Lycophron ; Alexandra cum notis MSS.

Lysias ; Orationes cum notis MSS. Johannis Taylor.

Plato—Scholia Olympiodori in Alcibiadem.

Excerpta ex Protagora et Epistola. Anno 1441.

ON THE
CODEX BEZÆ,
IN THE PUBLIC LIBRARY OF THE UNIVERSITY OF
CAMBRIDGE.

Communicated by me to the Athenæum, May 1808.

IT is the intention of the writer of this paper, occasionally to communicate to the Athenæum brief accounts of some manuscripts in the public libraries of this kingdom. Those will be selected which, by some, are deemed the most curious and valuable: such are, the most ancient Greek manuscripts of some parts of the scriptures; the most ancient Hebrew manuscripts of the Old Testament; and the Latin manuscripts of that curious remnant of antiquity, the Athanasian Creed. The libraries will of course be indicated in which these MSS. are to be found.

I begin with *Theodori Bezae Codex*, or that most famous manuscript presented by Beza to the University of Cambridge. It will be better to preserve the title, Bezae Codex, than use that of *Cantabrigiensis*, in order to keep the distinction clear between this codex and the other *Codices Cantabrigienses*.

This is, *perhaps*, the most ancient Greek manuscript extant. It was formerly the property, or rather in the possession of, Theodore Beza, the reformer of Geneva, contemporary with Calvin, and editor of a Greek Testament, first published in 1551. It is a Greek copy, with a Latin version, containing the Four Gospels in the order, Matthew, John, Luke, Mark, with the Acts of the Apostles. Beza frequently refers to this MS. in his edition of the New Testament, though he thought it had been a little nibbled at,

and corrupted by, the ancient heretics, particularly in the Gospel according to Luke. How or from whom Beza first procured it, he does not say, only that he obtained it from a monastery in Lyons in 1562. He presented it to the University in 1581, accompanied with a handsome complimentary letter, in Latin, prefixed to the MS*.

It is written in uncial letters, that is, large, quadrated letters, which have improperly been called, by some persons, Initials †, for in the times when that MS was written, all Greek letters, both in books and on monuments, were of this cast. The manuscript is mutilated in many leaves, ten of which are supplied by a more modern pen; but, in other respects, it is, in general, in good preservation. The original manuscript whence this was copied was probably written in Egypt; but that is lost: there are many reasons for believing that the present copy was written in the west ‡.

By whatever means Beza obtained this invaluable book, he judged most properly in considering it as public property, and he consulted his own fame in assigning it over to the public library of one of the most learned universities in the world. Some are unwilling to charge so religious a man as Beza with plundering a religious house; yet the best critics allow that this business wears a mysterious aspect. Let us hear Greisbach.

Steph. β. seu Codex Bezæ, seu Cantabrigiensis, mihi in Evangelii et Actis D. Tot tamque notabiles Lectiones, soli Cantabrigiensi peculiares, e suo β protulit Stephanus, ut, me quidem judice, hic liber ab illo diversus esse prorsus nequit. Nec objici potest, Stephanum innumeras Lectiones Cantabrigienses notatu dignissimas silentio preterivisse, aliasq: a Cantabrigiensibus vel penitus vel aliquantulum discrepantes laudasse: his enim virtus ex aliis quoque libris ex-

* Vide the page preceding the Bezae Pref. ad novum Test.—et Epist.

† Casley's Pref. to the Cat. of the MSS. in the King's Library.

‡ Millii Prelegomena in Test. Græc. p. 132.

ON THE CODEX BEZÆ.

cerpta laborare, modo vidimus. Fateor, quæ Beza de suo Evangeliorum codice, et de ratione, qua adeptus eum sit, narravit, vix vera esse, si Bezæ Codex unus idemque est cum Stephani β. Sed hoc me, ut sententiam meam abjiciam, minime movet. Quid enim, si Beza, jam grandævus et permultis negotiis et curis distractus, non satis recte meminerit, quonam modo liber ille in suas manus pervenerit, aut quænam is, qui dederat, de eo narraverit? Quid si neminis putavit interesse, totam rem, prout gesta esset, accuratissime rescire? Quid, si certis de causis ambiguitate verborum rem involvere, quam clare eloqui, maluit? Quid si is, e cujus manibus Beza codicem acceperat, retulit relata, quamquam a vero abhorrentia? Aut si Bezæ falsa et repugnantia narrare satius duxit, quam novissima libri fata ingenue profari? Mirum profecto videtur, coenobii Gallicani καμπλιον, in Bezæ possessionem pervenisse; nec quisquam facile dixerit, quonam jure is qui e monastica bibliotheca librum abstulit, sive coenobii incola fuerit sive alienus, Bezæ eum potuerit vendere donove dare*.

But, however Beza came by it, one thing is certain, that the book must have been stolen by somebody; for, in addition to what has been observed by others, it may be noticed, that no papal or regal decree had passed in France to authorize the visitation of monasteries; and that neither Beza nor any other person could act as commissioners to bring away manuscripts, as was done under a special commission from the privy council in England†: consequently no person could have had a right to it; and whoever first took it from the library must have committed a theft.

The above extract was made rather than one from any other writer, as being connected with the passage which affirms the Beza MS. and the Codex of Robert Stephens to be the same. Wetstein makes the same assertion, and

* Greisbach in Nov. Test. Græce, *Prolegomena*, Sect. I. p. 26, 27.

† MS. Letter, Bene't College Library.

Michaelis thinks it very probable*. The most powerful argument on the other side, is, that neither Stephens nor Beza, both of whom published editions of the Greek Testament, and were extremely intimate, take any notice of this agreement. Bishop Marsh has summed up the evidence on both sides (and this is a most curious question with biblical critics) with great precision and judgment; and without delivering his own opinion, leaves the conclusion to the determination of his readers†. Let this suffice for the history of the manuscript.

Next for the antiquity.—If Beza's intimation carried any authority, that this MS. had been in the monastery of St. Irenæus, and had been there from the time of that father, this would carry some weight in ascertaining its age; or, if only his assertion be admitted, that it was corrupted by the ancient heretics, this would bring the matter to a probability, within the second, third, fourth, fifth, or sixth centuries, when the Valentinians, Sabellians, and Arians, and others, were most active‡; but as this rests on the bare assertion of Beza, or, at least, as corrupting MSS. was practised by the Catholics, and in different periods§, as well as by heretics, this declaration leaves the matter very vague. Nor can any thing be determined from the paleness or the yellowness of the letter. Some comparatively modern writings have soon become pale or yellow, through the quality of the ink, or from the persons' mode of writing, or from the place in which the writings have been kept: but the paleness and yellowness of the writing, and other appearances, taken in connexion with the uncial form of the letters, being the most

* Introduction to the New Testament, Vol. II. p. 236, 237.

† Vol. III. of Marsh's Translation of Michaelis's Introduction, p. 688, et deinceps.

‡ Vid. Irenæus Adversus Hæres, Lib. 1. & Eusebii Eccles. Hist. Lib. 7. et alibi.

§ Vid. a remarkable and valuable work, entitled, a Treatise of the Corruptions of Scripture, Councils, Fathers, &c. by the Prelates, Pastors, and Pillars of the Church of Rome, by Dr. James, formerly keeper of the Bodleian at Oxford.

ON THE CODEX BEZÆ.

quadrated too of that form, together with their having neither breathings, accents, nor the sections *, prove it to be a MS. of very great antiquity †.

Mr. Whiston supposed this MS. as old as the second century; but, though he was well read in Christian antiquities, the opinion of a man who could form such wild opinions about the apostolical constitutions, will carry but little weight here. Doctor Waterland‡ supposed that there was scarcely such a thing to be found as a MS. of the fourth century; higher, none at all. These were both very learned men. The opinion of Montfaucon, who had not only perused almost every thing published on ancient Greek MSS. but who himself had explored all the more valuable libraries in Italy and France, begins only *from the third century*, and the manuscript he alluded to he said had long since perished through antiquity and rust; and he continues his inquiries thence through the fifth and succeeding centuries. Wetstein, who copied the Codex Bezae at Cambridge, supposed it to be of the fifth, and Mr. Marsh did not think himself authorized to ascribe to it a higher antiquity§, though he at the same time, with other critics, declares his belief, that it is the most ancient Greek MS. in the world: and this is all that shall be attempted here on the antiquity of this Codex.

Lastly, as to the use that has been made of it.—

Of Beza's Greek Testament Mr. Porson justly observes, "as a critical work it has very little merit. Ignorant of the true use of various readings, he (Beza) seldom mentions them but to support his own hypothesis, to which godly purpose he warps both text and interpretation. He makes his commentary (as indeed he partly boasts himself) a vehicle for abuse on Origen, Erasmus, and Castalio, especially

* The Ammonian Sections, so called, are by a different hand.

† Praefatio ad Palæographiam Græcam—et Recensio Bibliothecarum Græcarum. Montfaucon.

‡ Critical History of the Athanasian Creed. Chap. vii. p. 99.

§ Michaelis, Introduction, &c. Vol. III. p. 716.

the latter, against whom he indulges, without restraint, *the exquisite rancour of theological hatred**." Beza, however, though he thought his Codex ought not to be published, on account of the corruptions by heretics, made great use of it himself, having observed in it, he says, *some things of great moment*. Its various readings were, I believe, first collected by Patricius Junius. Archbishop Usher collated the Elzevir edition by it —— ; and he gave its various readings to Walton, who has made use of them in the sixth tome of the London Polyglot, printed in 1657.

Dr. Mill published his edition of the Greek Testament at Oxford in 1707, and it was reprinted at Rotterdam in 1710. He has treated largely on the Codex Bezae in his Prolegomena. He says, that the Greek has been wonderfully corrupted, though originally derived from the very same fountains whence flowed the Italian version ; and that it was corrupted by the Latin scribes†. Other critics, as learned, assert the contrary, maintaining that all the Graeco-Latin Codices have been altered from the Greek, where some have supposed the Greek to be altered from the Latin‡. Mill, notwithstanding his opinion of its being a corrupted apostograph from a purer exemplar, makes frequent use of it in his Greek Testament.

Wetstein published his grand edition of the New Testament, in two volumes folio, at Rotterdam, in 1731. He copied the whole, as observed before, of this manuscript at Cambridge, with his own hand. He has written very largely about it in his Prolegomena, and expresses himself with great warmth, and even bitterness, against Beza. He accuses the Greek manuscripts of being corrupted from the Latin, though he pays great deference to the Codex Bezae, and makes frequent use of it under the mark D.

Dr. Harwood published the New Testament, collated

* Porson's Letters to Archdeacon Travis, p. 96.

† Millii Prolegomena ad Nov. Test. Græc. p. 133.

‡ Marsh's Notes to Michaelis, Vol. III.

ON THE CODEX BEZÆ.

with the most approved MSS. in London, 1776, and, from conviction that *Beza's manuscript and the Clermont MS. approached the nearest of any MSS. now known in the world to the original text of the sacred records*, he makes the former a sort of basis to his edition of the Four Gospels and Acts of the Apostles; and this circumstance (though it is very incorrectly printed) gives a value to Harwood's Greek Testament.

Professor Michaelis published, in German, *Introductory Letters* to the sacred Books of the New Testament. Four editions of it were published at Gottingen. Concerning the three first, there is a letter from Michaelis, in the Gentleman's Magazine, Sept. 1781. Of the first edition, an English translation was published at London in 1750, but the translator's name I do not know. In this edition Michaelis does but cursorily mention the Codex Bezae with the other MSS. He says, in passing, *that this MS. was thought, and on good grounds, to be corrupted from the Latin version.* But he acknowledges, in his letter to Dr. Marsh, that the first edition was a work of haste, and that the learned Wetstein and himself had both formed a false judgment on these important manuscripts*. In the second vol. of his last edition, he writes largely about the Codex Bezae†, and assigns reasons for his thinking "that its readings are for the most part genuine, and of course preferable to those of other manuscripts." Dr. Marsh, in his Translation of Michaelis's Introduction in 1793, has enlarged on some of Michaelis's observations, and corrected some of his opinions; and Dr. Marsh was favourably circumstanced by his residence at Cambridge, and no less qualified by the course of his studies, for this task.

Griesbach published at Halle, in Germany, a Greek Testament, in two vols. in 1775 and 1777; and it was reprinted

* Pref.

† Praefat. ad Edit. 2d, 1793.

at the expense of the Duke of Grafton in 1796, accompanied with a short preface, dated Jena, 1796. He vindicates his own opinion and use of the ancient Greek MSS. and thinks that his Theory of Criticism was confirmed by what he had seen published of the Cambridge (Beza) and other ancient MSS. He expresses himself strongly against Michaelis's "opinionem inveteratam de codicibus et versionibus *Latinizantibus*," which Michaelis, however, had himself then given up, and which inveterate opinion Greisbach very strongly opposes. He makes great use of the readings of the Beza MS. in his elaborate edition, which is a text book in the German universities, and in great repute among scripture critics in England.

These few slight observations are the result of such examinations of the MS. as I have occasionally made, under the correction of such writers, our best critics in these matters, as I have mentioned above: and such is the plan, which I propose following hereafter. It would be easy to enlarge; but the length of this epistle already demands an apology, which must be, that the Codex Bezae is, perhaps, the most ancient and valuable Greek MS. extant, and that I may probably make it a sort of stepping stone in my advances to other MSS.

P. S. I sent a few pieces, and very few, relating to books in public libraries, to the Athenæum and Monthly Magazine; many papers on this subject I have by me. But I, of course, introduce nothing here but what concerns the Libraries at Cambridge. I soon dropped any particular inquiries concerning the Athanasian Creed. But that it is frequently subjoined to *very ancient* MSS. may be seen in the *Actus Apostolorum*, Bodl. and the Alex. MS. Brit. Mus. two of our oldest MSS. as well as from Archbishop Usher's *Dialribe de Rom. Eccl. Symbolo Apostolico Vttere*, and Dr. Waterland's *Critical Hist. of the Athanasian Creed*.

**AN ACCOUNT OF ARCHBISHOP PARKER'S COLLECTION
OF MSS. IN BENE'T COLLEGE, CAMBRIDGE.**

Communicated to the Athenæum, Dec. 1807.

SOME time since I gave a short account of the libraries in the British Museum. It would be in order if I could give a similar account of all the libraries in the University of Cambridge: but an account of these would much exceed the usual length of your literary articles, and it will easily be believed, that I am by no means equal to the task. My limits and my powers, therefore, being necessarily so circumscribed, I shall confine myself to one library, but that, in some respects, the most important of any in the University of Cambridge, and more resembling Sir Robert Cotton's, in the British Museum*, than any in this country. I must, however, be supposed to allude to its contents, not to its size; and it will be immediately understood, that I can mean no other than that, consisting entirely of manuscripts, belonging to Corpus Christi, and the B. Virgin Mary, commonly called Bene't College.

No one acquainted with the strict law by which this library was hedged in by the founder, will expect a very particular account of its contents, except from a resident Fellow, nor from him, unless peculiarly privileged and indulged.

The law alluded to is this: "Ea enim est Lex hujus Bibliothecæ a fundatore sancita, ut neque socius aliquis solus eam adire potest, sed semper alio socio vel scholari comitatus, neque plusquam tres codices in cameram suam asportare, idque non sine licentia magistri duorumq: sociorum prius impetrata."

But the law of the donor here alluded to by Nasmyth is stricter still. The books were to be kept (as they still

* In reference to Ecclesiastical and English History.

are) under three locks, the keys of which were ordered to be in the possession of the Master, and of the keepers of the Billingford Hutch.

Further, the time of consulting them is prescribed. In winter seasons, the hours being from eight to eleven o'clock in the morning, and from one to four in the afternoon. In the summer, from six to eleven, and from one to five. The library also is subject to an annual visitation from the Masters of Gonville and Caius College, and of Trinity Hall. The loss of a single leaf is subject to a small fine; the loss of a whole book to a fine to be levied at the discretion of the visitors; but should it ever happen that six MSS. in folio, eight in quarto, and twelve of a smaller size, should be lost, the whole library becomes forfeited, together with all the plate left by the donor to the society.

It will be readily believed, from the nature of the law, and the great strictness with which it has been obeyed, from the first founding of the library down to the present day, that the books have been preserved entire: but this belief must be exercised no further than the Society is concerned; for it appears from the donor's MS. catalogue, which lies on the table in the library, that between the time the books were left to the College and the time they were received, there must have been committed at least some mistakes; some titles of books being in that catalogue, and yet the books themselves not to be found in the library.

As to myself, all that I shall say is this—that I have been occasionally indulged, though not a Fellow, with the perusal of MSS. deposited in this collection, and have availed myself of the labours of a person, who was not only a resident Fellow, but who employed much industry and ability in giving a report of its invaluable contents.

These MSS. then, were left to Bene't College by Matthew Parker, Archbishop of Canterbury in 1557, who had formerly been Fellow of this society, and in 1544 had been appointed Master; a man of considerable learning, and par-

ticularly conversant in the scriptures, the ancient fathers, and the antiquities of this country.

Parker's situation had been peculiarly favourable to his pursuits as an antiquary. In 1535 he had been appointed Dean of the collegiate church of Stoke Clare, in Suffolk, and continued to govern this college till the dissolution of monasteries in the reign of Edward VI. He, at that memorable period, became possessed of several valuable manuscripts, that belonged to Stoke; and, by an order of Privy Council, bearing date July 5, 1568, he, or his deputies, were authorized to view and peruse all the records and monuments belonging to the late dissolved monasteries; and thus he became possessed of many important writings relative to the history and antiquities of this country.

The collection of MSS. therefore, that we are now inquiring into, will readily be supposed to take its complexion from the character and pursuits of the founder. He was an ecclesiastic, by his profession, much interested in those studies and controversies which found employment for men of talents in the 15th and 16th centuries. It accordingly comprehends numerous writings of the ancient fathers, legends of the saints, papers relating to the disputes between the catholics and protestants, together with expositions and commentaries on the scriptures. It likewise contains some mass books and ancient liturgies, with a few psalters, gospels, and vulgate bibles. The most splendid MS. in the whole library, on account of the illuminations, is a book of the Revelations, written in the 14th century, a Latin version, with a French translation on the side, in verse. It is accompanied with an account of the coronation of the kings of England, written by the same scribe, and accompanied with a fine illumination. It is in French, and entitled "Manere de Coroner novel Roy (d'Angleterre.)" The grandest manuscript is a Latin vulgate bible, in two folio volumes, as big as a church bible: the oldest is, the Gospels, in Latin.

Here are a few old English and Saxon poems, and French romances in verse, and these not a little curious: some of them have never been printed, and the presumption is, that one of them, in old English, entitled, "The Romaunce of the St. Graal," has not even been read through for these two or three hundred years at least. It consists of more than 40,000 lines. Nasmyth acknowledges that he was deterred from the perusal of it; and Archbishop Parker himself seems to have been but imperfectly acquainted with its contents, or thought but meanly of the work.

There are scarcely any classics, and the few that are here found are neither very ancient nor of any great account. The two or three Greek MSS. are modern; there is, however, a fair MS. of Terence's plays, as old as the twelfth century.

Numbers CVI. CVIII. CXVIII. and CCXLII. contain many curious papers relative to the ancient customs, laws, and privileges, of the University of Cambridge. These have often been of great consequence as books of reference, and many of them are copied by Strype, in his Life of Archbishop Parker, and by Baker and Cole, into their valuable collections. A curious book, containing an account of the rentals, property, &c. of the college, as old as 1376, together with other papers in this library, as containing some of the archives of the house, were of great use to Mr. Masters, in writing his useful work, the History of Bene't College.

Number CXIV. entitled *Epistolæ Principum*, contains two Letters from Pope Julius II. to Henry VIII.; Henry VII^Ith's recommendatory Letter for Dr. Parker to be appointed Master of Bene't College; one from Queen Catharine, and some of Queen Elizabeth's; but most of them are letters written to Parker himself, when Archbishop of Canterbury, from different persons, nobility and gentry, sometimes on private business, and sometimes on

MSS. IN BENET COLLEGE.

matters of a more public nature. No. CXIX. entitled “*Epistolæ Virorum illustrium*,” answers its title more exactly, being all from distinguished men, either princes, nobles, or reformers.

But the most interesting, useful, and characteristic part of the present collection embraces the history, laws, antiquities, and government, of this country. It includes histories of England, annals, chronicles, polychronicons, Saxon laws, a few in the Saxon character, constitutions, &c. It comprehends, of course, what must be called the fabulous, no less than the genuine and true history of Britain.

It was in reference to this part of the collection that Dr. Fuller, in his *History of Cambridge*, called it “the Sun of English Antiquity, till it was eclipsed by that of Sir Robert Cotton,” and as Mr. Masters adds, “very justly, since it contained more materials relating to the history of this kingdom, both civil and ecclesiastical, than could have before been met with anywhere else.”

With respect to the antiquity of these MSS. the greater part of them are of the 14th, 15th, and 16th centuries; several of them of the 11th, 12th, and 13th; some of the 10th, and a few of the 9th. The Latin Gospels alluded to above is two or three centuries older.

But thus much must suffice for the present.—The libraries of the University of Cambridge are a vast object, and I must leave it abruptly:

Ως δοτ' αυτῷ —
Στην εἰπ' ακύρων τολμαῖς αλαδει προποντεῖ,
Αθρῷ μορμυροντα εἴδει, αὐτα τ' εδραῖ' οώσισσω.

ILIAD. E. V.

With respect to this library, concerning which a few imperfect hints have here been thrown out, it has been frequently lamented that so useful a repository should be so scrupulously guarded. But before we judge of actions, we should trace the causes: we should inquire into the circumstances of the time in which Archbishop Parker lived, and

not too hastily say, that he marred a noble present by the ungracious manner in which it was conferred.

Prior to the invention of printing, people could have only MSS. and these were very scarce and valuable; the consequence was, that the temptation to steal them was very great. And even some years after the invention of printing, the books in circulation were very few, and very liable to be purloined. This occasioned the monks often to prefix to their books the most serious warnings, and the most direful anathemas. At the time Caius published his History of the Antiquities of Cambridge, he informs us, that most of the books had disappeared from the Public Library, and similar spoliations had been committed at Oxford.

We should then consider the untoward circumstances of the times, of which Parker could not fail to have a perfect recollection; and though we may lament the severity of the law, we shall easily find an apology for the Archbishop.

Various other benefactions were bestowed on this society by Matthew Parker; and the College-library was enriched by him with many printed books. These must, of course, have been some of the early printed ones, and on that account, if on no other, must be valuable. These things, however, I shall not attempt to discuss now.

P. S. I have already taken some notice in the present Work (the Privileges, &c.) of this Library. This present account is more particular. Mr. Tyson, formerly Fellow of this College, a well-informed antiquary, published (in 1770) *An Account of an illuminated MS.* in this Library; a French Translation of Cardinal Bonaventure's Life of Christ. It is deemed very curious, more particularly on account of a genuine Portrait of our illustrious King, treshault, tresfort, et tres victorieux, Prince Henry Quint, &c. as it reads in the MS.—Of the Pepysian Library, Magd. Col. an account is given in another part of this work.

LETTER

To the Editor of the Athenæum.

**WICKLIFFE'S NEW TESTAMENT, AND SOME OTHER MSS.
IN EMMANUEL COLLEGE LIBRARY.**

I AM obliged to your correspondent E, for setting me right concerning the person who presented Wickliffe's Bible to St. John's College, in the University of Oxford, and for his manner of doing it, in admitting that the error was but a slight one. The truth, indeed, is, that book was not the subject of my inquiry: I did but incidentally mention what I had very cursorily examined. Had that MS. been the subject of my paper, I should have been more minute in my inquiries. I had perused Wickliffe's Bible in this library some time since, and concerning its donor, as I had made no memorandum, I spake from recollection. It occurred to me, that a member of the society informed me, if I recollect right, that the book was one of those given by Laud; and an Oxford antiquary, not over remarkable, I own, for his correctness, has so expressed himself, as might easily have led one, speaking from memory, to the same conclusion. However, your correspondent is, I find, right: and (as I have collected) from his local situation, and his well-known acquaintance with the books in St. John's College Library, was likely to be so.

Your correspondent says, "there is a MS. of the Testament (meaning Wickliffe's Translation of the New Testament) at Emmanuel College." There are three copies of a Translation, *ascribed* to Wickliffe, in Emmanuel College Library; one a folio copy, comprehending the Old and New Testament, as that in St. John's College Library in Oxford does: the other two contain only the New Testa-

ment, like that in the Library of Worcester Cathedral. Whether they are copies of the same version, though somewhat differently translated, I cannot now ascertain, not being on the spot to examine *.

This circumstance I notice here, to guard against a misconception of what was said in a former paper. I said that Matth. iii. 4. *ἀκρίδες*, Locustæ, Locusts, was translated, *hony soukis*. Now I recollect, that on turning to this passage in the folio copy in Emmanuel College Library, it read *honysoklis*, or *honysocles*, I forget which; and so, *probably*, it will be found to read in the folio copy in St. John's College Library, and others. I recollect, also, seeing the same word, Locustæ, translated in the *small* copies in Emmanuel Library, containing only the New Testament, *hony soukis*, in the same manner as it reads in the copy belonging to Worcester Cathedral Library. Bishop Wilson in loco also has noticed this reading, *hony soukis*, in Wickliffe's translation; but they are the same words differently spelt.

The above Letter, the reader will perceive, was in consequence of one communicated by a learned gentleman on something said by me in a former number of the *Athenæum*.

The reader perhaps may not dislike a specimen of this old Translation.

Matt. iii. "In tho dais Jon Baptist cam: and prechid in the desert of Judee and seed do ye penaunce for the kingdom of hevenes shall neighe: for this is he of whom it is seid bi isaye the profete seyng, a vois of a crier in desert!"

* On since collating these three books, at least the prefaces, and third chapter in each book, and finding them exactly alike, except where a few words are spelt differently in the different copies, I conclude, they are one and the same translation. Nothing, indeed, is more common than for the same word to be spelt differently in the same book (if our old English writers, Wickliffe and Chaucer) frequently in the same paragraph, and even the same line.

part of the various readings relates, as they do here, to the preserving or neglecting the order of the *Dialects*. Mr. Porson, therefore, concludes, *Dignus certe hic Codex, qui si iterum edetur Herodotus, paullo accuratius iterum examinetur*. It has not, I think, yet been so.

Prefixed to this MS. is a treatise in Greek, by the same hand, on the Idioms of the Ionic Dialect, with this title :

Ἄρχε συ Θεω των ἀδικημάτων της Ιαδος Διαλικτα.

The Copyist ends the work in the same devout manner. At the end is written thus :

Ηροδοτοιο Ειελοις χλευσοιο περας λαβειν αδι.

It appears to be not a very ancient MS. but it is reckoned a valuable one, and is entire.

5. A very fine Heb. MS. of the Bible, in 3 vols. fol. Given by Dr. Will. Bedell, Bishop of Dromore, in Ireland, who had been Fellow of this College. He took his degree in 1599. He had been chaplain to Sir Henry Wotton, when ambassador at Venice; and applying himself to the study of the Heb. language, he procured this MS. through the means of B. Leo, the chief Chacham of the Synagogue. It is said to have cost its weight in silver. See the Bishop's Life, by Bishop Burnet.

Though not so old as two others, which might be pointed out at Cambridge, yet it possesses considerable antiquity; perhaps 5 or 600 years old.—It has the vowel points, accent, and keri. It is written in columns, but not with the spaces:—it has no coronis. As it was brought from Venice, we are told, it may be considered as a fair specimen of the *mixt* Italian character*.

4. A fine MS. in four volumes folio, on vellum, of St. Chrysostom's Homilies: it was presented to this Library

* See Rossi, de Vet. Test. var. Lect. R. 1, C. xix.

WICKLIFFE'S NEW TESTAMENT.

by the present Dr. Samuel Parr. It appears to be of the 10th or 11th century; as I possess myself a fine MS. copy of Greg. Nazienzen's *Orations*, much resembling it both in age and character, which is of about that period.

This Codex contains the last part of the first Homily, the second, and onwards, to the fifteenth inclusive. Vid. *Editionem Sancti Hieronymi Savilianam Impressam Etonæ, A. 1612.* This reference is made in the Codex.

5. An Essay by Sir Matth. Hales, concerning the soul, written 1673. This also was given to the College by Dr. Parr, who received it from Will. Hargrave, Esq. barrister, Lincoln's Inn, who had purchased it with some other MSS. by Sir Matth. Hales.

It is not in Sir Matthew's own hand-writing. The original of this Treatise, with his own hand-writing, was copied in 1692: it having been lent to Sir Robert Southwell, for that purpose, by his grandson, Matthew Hales, Esq. Lincoln's Inn.

6. *Ciceronis Officia*; though not a MS. is justly placed among the MSS. Joshua Barnes seems to have thought, *almost*, that it was a MS. "impressa, quoq. ut vulgo putatur." It was printed at Mentz, in 1465. Ramus, according to Palmer *, thought this edition the first book printed; erroneously enough: for if what Palmer says is correct, it was the last printed by Faust at Mentz. An ample account is given of this edition, amidst many discussions, by Maittaire, and other lexicographers. Mr. Dibdin, our modern lexicographer, says, he has seen two copies of it in the sumptuous library of Lord Spencer; and that his Lordship, having collated them, found them vary†: when, therefore, Dr. Harwood says, "The editio Princeps fol. mogunt. apud Joannim

* *Ciceronis Officia*, quæ primum omnium librorum typis æneis impressa sunt. P. Rami Schol. Matthem. Lib. 2. as quoted by Palmer in his "Art of Printing," p. 81.

† *Introduction to Rare and Valuable Books, &c.* 2d edit. p. 101.

Fust. 1465," that it is undoubtedly one of the noblest books in the world, and that a copy sold at Dr. Askew's sale for 30*l.**; he must speak of that other edition, which I have not seen. For the Eman. copy is small 4to. Be these matters as they may, whoever compares together this edition of 1565, that of 1566 (in the Pub. Libr. Camb.), and that of the *Rhetorica* of Cicero, which is also in the same Pub. Libr. will see how rapidly this most wonderful art of printing reached, almost to perfection.

7. Demetrii Chalcondylæ *Erotemata*, et *Moschopuli Syn-taxis*: this, too, though printed, deserves a place in any library of MSS. It is a sort of Greek Grammar, in pure Greek, of a fine type, fol. printed at Milan, but without a date, placed by Palmer in 1499. Chalcondylas was a native of Constantinople, and this book, with those of other countrymen of his, who fled to Italy, towards the end of the 15th century, seems to have been the basis of our early Greek Grammars †.

This is a rare and valuable book; and there cannot be a more beautiful copy than this Emmanuel one.

8. The Psalms of the Passion, &c. in Old English, on vellum, of the time of the latter end of Rich. II.

9. Statii Thebaidos; the entire work, well written, in small characters.

10. Among the numerous writings of the celebrated Jos. Barnes, (of which some notice is taken in another part of this work) may be mentioned his Latin Poem, in eight books, entitled *Franciados*, to which he alludes in his Greek Epilogus to Homer's *Odyssey*, and also his *Latino-Græcum Lexicon*, which appears to be valuable, and of which the learned editors of Stephanus's Greek Lexicon, (a splendid new edition of which is now carrying on) have, at present, the loan, for the purpose of that publication.

* View of Various Editions of Greek and Rom. Classics, 3d edit. p. 177.

† See the Preface to the Port-Royal Greek Grammar.

LATIN MANUSCRIPTS

IN THE

PUBLIC LIBRARY.

N. B. The Latin MSS. perhaps, make a third of the whole. I have, of course, been obliged to be select; and have only inserted here such as relate to the Scriptures, the Latin Fathers, and Latin Classics. It ought to have come in immediately after the Greek MSS. p. 603. But, through distance, I was obliged to study my opportunities and convenience.

SANCTI Ambrosii Pastorales. 21. 2—*Multa alia ejusdem in Tractat. distinctis. Item Ambrosii Opp. quædam collata cum MSS.*

Anselmi; *Cur Deus Homo.* 21. 4. & varii ejusdem Tractat. in MSS.

Appianus de Rebus gestis per Romanos et Carthagin. in Hispania. 1053. 1.

De Rebus gestis per Hannibalem in Italia. 1053. 2.

De Bello Civili. 23. 17.

Aristotle. *Varia ejus opp. latine versa.* 61. 1.

Augustinus; *Retractationes, Confessiones,* 1738. 2. cum aliis tractat. quamplurimis.

Biblia Latine Vulgata, 6. 14. *Partes diversæ Vet. et Nov. Test. in distinct. vols.*

Biblia, Expositiones anon. in Part. var. Vet. & Novi Test.

Cæsar de Bell. Gall. Commentarii, & Bellis Civilibus.
2522.

Cato. Distycha. 1552. 27.

Chrysostomus. Homiliæ super Matth. Opus. imperf. 559.
1968. cum aliis paucis Chrysostomi in Lat. versa.

Cicero. Synonyma. 174. 2.

Rhetorica. 1870. 3.—Item alia varia *Ciceronis* in
distinct. part. MSS.

Cornelius Nepos. Vita Pomponii Attici. 1684. 8.

Historiæ Virorum Illustrium. 2528.

Cyrillus Alexandrinus. Liturgia. 23. 2.

Cyrillus Hierosolomytanus. Epist. ad Augustinum de Mi-
raculis post mortem Hieronymi. 1494. 4.

Cyprianus. Vita Dæmonum, vel secretum Sigillum Cy-
priani. 210. et alii, Duo vel tres, ejusdem Tract. in
distinct. lib.

Evangelia Dominicalia. 1422.

Evangelium Sti. Jacobi. 1376. 1.

Evangelium Nicodemi. 1164. 3. cum aliis Exempla-
ribus.

Fulgentius, Mythologiæ. 2262. 7.

Sermo. 1337. 6.

Gregorius Nazian. Liturgia. 232.

Homiliæ. 2471. 19.

Hieronymus. Epistolæ, 39. 409, 410, &c. cum aliis variis
eiusdem in distinct. vols.

Horatius. Opera. 864. 2569.—Quædam Hor. Exempla-
ria prelo commissa. cum not. MS. D^ress. Taylor,
Chishull et aliorum.

Isocrates. Oratio ad Demonicum. 2119. 6.

— ad Nicoclem de Regno. 2119. 8

Justinus. Historia. 1861. 1970. 11.

Juvenalis. Satyræ. 2562.—Multa Exemplaria cum not.
MSS.

Macrobius. Saturnalia. 1292. 2.

Macrobius. Abbreviatio Saturnal. 2296. 12.
 In Somnium Scipionis. 2389. 1. 2089. 3.

Martialis. Excerpta ex Epigrammatibus. 2296. 15.

Origenes. Expositio in Epistolam ad Romanos. 1218. 1.
 Alia varia Originis in Tom. distinct.

Ovidius Metamorph. 2121.
 Collectarum Fabularum, in xv. Libros Metamorphoseon Abbreviatum. 2296. 18.

Paterculus. Elogia Virorum illustrium ex Paterculo excerpta. 308. 2.

Plautus. 9 Fab. 2509.

Plinius. Hist. Nat. 454. 1.
 De Viris Illustribus. 454. 2.

Polybius. Romanorum Respublica, ex sexto Historiarum libro. 1053.

Platonis. Epistolæ. 2064. 7.

Priscianus. Libri xvi. priores, cum Libro de Accentibus. 1337. 11.
 — Varia etiam excerpta ad Priscianum pertinentia.

Prosper Aquitanus. Epistola ad Augustinum. 424. 4.
 Cum aliis Prosperi.

Prudentius. Liber Historiarum. 1119. 6. 1552. 7.
 Psychomachia. 1552. 6.

Psalteria. Latina, varia.

Sallustius. Oratio in Ciceronem. 788. 21. 1306. 3.
 De Conspiratione Catilinæ. 1306. 1. cum aliis Exemplar.
 De Bello Jugurthino. 1306. 2. 1884. 2.

Sedulius. Paschale Carmen. 1119. 1. 1552. 2.
 Canticum. 1119. 2.

Senecæ. Tragoediæ. 521. 2147. 2511.
 Constitutio de Moribus. 892. 4.—Item, quædam alia Senecæ opp.

Suetonius. Vitæ Cæsarum. 597. 2056.
 Liber Illustrum Virorum. 1608. 1.

LATIN MANUSCRIPTS.

- ✓ *Cæsar* de Bell. Gall. Commentarii, & Bellis Civilibus.
2522.
- Cato.* Distyca. 1552. 27.
- Chrysostomus.* Homiliae super Matth. Opus. imperf. 559.
1968. cum aliis paucis Chrysostomi in Lat. versa.
- Cicero.* Synonyma. 174. 2.
Rhetorica. 1870. 3.—Item alia varia Ciceronis in
distinct. part. MSS.
- Cornelius Nepos.* Vita Pomponii Attici. 1684. 8.
Historiae Virorum Illustrum. 2528.
- Cyrillus Alexandrinus.* Liturgia. 23. 2.
- Cyrillus Hierosolomytanus.* Epist. ad Augustinum de Mi-
raculis post mortem Hieronymi. 1494. 4.
- Cyprianus.* Vita Dæmonum, vel secretum Sigillum Cy-
priani. 210. et alii, Duo vel tres, ejusdem Tract. in
distinct. lib.
- Evangelia Dominicalia.* 1422.
- Evangelium Sti. Jacobi.* 1376. 1.
- Evangelium Nicodemi.* 1164. 3. cum aliis Exempla-
ribus.
- Fulgentius,* Mythologiæ. 2262. 7.
Sermo. 1337. 6.
- Gregorius Nazian.* Liturgia. 232.
Homiliae. 2471. 19.
- Hieronymus.* Epistolæ, 39. 409, 410, &c. cum aliis varüs
ejusdem in distinct. vols.
- Horatius.* Opera. 864. 2569.—Quædam Hor. Exempla-
ria prelo commissa. cum not. MS. Dr. Taylor,
Chishull et aliorum.
- Isocrates.* Oratio ad Demonicum. 2119. 6
— ad Nicoclem de Regno. 2119. 8
- Justinus.* Historia. 1861. 1970. 11.
- Juvenalis.* Satyræ. 2562.—Multa Exemplaria cum not.
MSS.
- Macrobius.* Saturnalia. 1292. 2.

Macrobius. Abbreviatio Saturnal. 2296. 12.
 In Somnium Scipionis. 2389. 1. 2089. 3.

Martialis. Excerpta ex Epigrammatibus. 2296. 15.

Origenes. Expositio in Epistolam ad Romanos. 1218. 1.
 Alia varia Originis in Tom. distinct.

Ovidius Metamorph. 2121.
 Collectarum Fabularum, in xv. Libros Metamorphoseon Abbreviatum. 2296. 18.

Paterculus. Elogia Virorum illustrium ex Paterculo excerpta. 308. 2.

Plautus. 9 Fab. 2509.

Plinius. Hist. Nat. 454. 1.
 De Viris Illustribus. 454. 2.

Polybius. Romanorum Respublica, ex sexto Historiarum libro. 1053.

Platonis. Epistolæ. 2064. 7.

Priscianus. Libri xvi. priores, cum Libro de Accentibus. 1337. 11.
 —— Varia etiam excerpta ad Priscianum pertinentia.

Prosper Aquitanus. Epistola ad Augustinum. 424. 4.
 Cum aliis Prosperi.

Prudentius. Liber Historiarum. 1119. 6. 1552. 7.
 Psychomachia. 1552. 6.

Psalteria. Latina, varia.

Sallustius. Oratio in Ciceronem. 788. 21. 1306. 3.
 De Conspiratione Catilinæ. 1306. 1. cum aliis Exemplar.
 De Bello Jugurthino. 1306. 2. 1884. 2.

Sedulius. Paschale Carmen. 1119. 1. 1552. 2.
 Canticum. 1119. 2.

Seneca. Tragoediæ. 521. 2147. 2511.
 Constitutio de Moribus. 892. 4.—Item, quædam alia Senecæ opp.

Suetonius. Vitæ Cæsarum. 597. 2056.
 Liber Illustrum Virorum. 1608. 1.

Terentius. 1267. 1326.

Tertullianus. *De Deo Angelo et Homine.* 1801. 6.

Valerius Maximus. *Lib. ix.* 1556.

Virgilius. *Opera.* 1032. 2521.

Culex. 2060. 16.

Aetna. 2060. 17.

N. B. The following are additions to the list of Greek MSS. in the Public Library : that list was selected by me at different times, according to different opportunities, and amidst other pursuits that were the subject of my inquiries. The last time I visited Cambridge, I was obliged to leave my business abruptly, my list not being completed, on account of other business in town. A friend resident at Cambridge kindly undertook to furnish me with a few remaining articles, the sheet containing the list being then in the press. As two or three articles were sent, which did not properly belong to my list, and have therefore been set aside, there may also be a few omissions, which my present distance from Cambridge prevents my supplying. If there are *any* such, it is hoped they will be very few. This list also, as well as those above of Greek, Eastern, and Latin MSS. I communicated to the Classical Journal.

Pletho. In *Zoroastreia.*

Plutarchus. *Moralia, cum Notis MSS.* Jo. Taylor.

Dicta Regum et Imperatorum, &c. cum Notis MSS. Joh. Taylor.

De Virtute et Malitia, et de Poetis Audiendis,
cum Notis MSS.

Opera, cum Notis MSS. Isaaci Casauboni.

Poetæ Græci. Cum Notis MSS. Jos. Barnes.

Cum Notis MSS. Is. Casauboni.

Polybius. Casauboni. Cum Notis MSS.

Proclus. De Usu Astrolabii.

In Syntaxin Ptolomei.

Commentarius in Platonem de Republica.

De Lectura Republicæ Platonis.

In Timæum Platonis.

De Hypothesibus Astrologicis.

Procopius Cæsariensis. Epitome Lib. 1. de Edificiis Justiniani.

Procopius Gazæus. Epitome Collect. in Genesin.

Scaligeri Emendationes MSS. in Herodotum.

Notæ MSS. in Rethores Veteres Græcos.

Notæ MSS. in Clementem Alexandrinum.

Severi Sophistæ. Orationes.

Sophoclis Tragœdiæ. Cum Notis. Joan. Taylor.

Cum Notis MSS. Ant. Askew.

Cum Notis MSS.

Scholia in Sophoclem.

Thomæ Stanleii Adversaria in Sophoclem.

Meursii Sophocles, cum Notis MSS.

Th. Stanleii.

Statius. Opera, collata cum MSS. per Petrum Francium.

Suidas Lexicon, cum Notis MSS. Joan. Taylor.

Symmach. Epistolæ, collat. cum Notis Codd. MSS.

Synesii Epistolæ.

Syrianus Philoxeni. In Aristotelis Metaphysica.

Tarasius, C. P. Epistola ad Adrianum.

Taylor, Joannes. Notæ in Suidam.

Notæ in Xenophontem.

Plutarchum.

Homerum.

Lysiam.

Sophoclem.



NO. 100

Returned or
damaged

P tree

27542
C178df

JUL 01 2002

